

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

NICOLE WALLACE, *et al.*

Plaintiffs,

v.

STATE OF MARYLAND, *et al.*

Defendants.

CASE No. 24-C-17-6410

PLAINTIFFS' OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

Come now the plaintiffs, by and through counsel, and oppose summary judgment, stating as follows:

I. INTRODUCTION

Daquan Wallace was a non-violent offender serving a sentence in the now-shuttered Baltimore Detention Center at a time when it was run from the inside by a gang calling itself the "Black Guerilla Family" or "BGF." Numerous correctional officers, many of whom have since been convicted, cooperated with prisoners to provide them with contraband (including cellular telephones and drugs), access to other prisoners to commit assaults, and even sexual relationships with correctional officers.

Correctional Officer Jackens Rene, with the assistance of, at the very least, Lieutenant Tamara Patterson and Sergeant Lisa Portee, cooperated with gang members at the Baltimore City Detention Center (BCDC) to allow the vicious beating of detainee Daquan Wallace. The attack resulted in catastrophic brain injury and Mr. Wallace now requires 24-hour medical care.

The evidence demonstrates that on the morning of October 18, 2014, Lt. Patterson, Sgt. Portee and Officer Rene all worked together supervising the Jail Industries (JI) building and dormitory where Daquan Wallace was housed.

Because he refused to join their ranks, Mr. Wallace had become the target of the “Black Guerilla Family,” (BGF) a notorious gang which had virtually taken over the prison, as the defendants themselves admit.

The JI building had open dormitory housing which provided no privacy for long lasting attacks without numerous witnesses. Each dorm was also supervised by two officers, which meant that no one officer could cooperate with gang members to permit an attack to occur without fear of discovery by the other officer.

The Men’s Detention Center (MDC) was another building at BCDC which offered BGF assailants the advantages of more private cells and the supervision of only a single officer per tier. MDC also had the advantage to the BGF of housing more violent gang members with higher security classifications.

Lt. Patterson directed Sgt. Portee to fill out a transfer form moving Mr. Wallace to MDC citing false extortion allegations as the grounds. Lt. Patterson has since admitted that Mr. Wallace never committed extortion or anything of the sort.

Moreover, the form was not valid without supervisory approval which Patterson and Portee could not obtain. The relevant supervisor testified that the alleged disciplinary grounds cited for the transfer would have resulted in disciplinary segregation (where Mr. Wallace would be safe) instead of a transfer to MDC.

The fact that Lt. Patterson and Sgt. Portee did not have the required signatures would have ordinarily meant that the transfer would be rejected by the receiving officer at MDC. This

would likely have resulted in the discovery that the grounds cited for the transfer were entirely false. Lt. Patterson and Sgt. Portee could face serious discipline or termination as a result.

Their willingness to go forward with the transfer demonstrates that Officer Rene was working with them from the outset. He was scheduled to work a double shift that day, moving from JI in the morning (where the transfer form was being prepared) to MDC in the afternoon (where he could accept the transfer). Lt. Patterson and Sgt. Portee could only be sure that their facially-invalid transfer would be accepted by Officer Rene at MDC if they had conspired with Rene in advance.

Once at MDC, Officer Rene accepted the transfer, signing off on the invalid paperwork and placing Mr. Wallace on the tier Rene supervised alone.

Joseph Beatty was very briefly Mr. Wallace's new cellmate at MDC. Mr. Beatty testified that when Mr. Wallace was brought into the cell, Mr. Beatty was ordered out immediately and told to leave for dinner early. Five to ten minutes passed before Mr. Beatty was joined at dinner by the rest of the tier, absent Mr. Wallace and the occupants of three other cells.

Officer Rene violated policy by allowing three other cells in addition to Mr. Wallace to remain on the tier during dinner. Not only were all detainees required to go to dinner, but policy required all of the cells to remain closed and locked during this time.

During the 20-minute dinner, Officer Rene logged two security rounds on the single linear hallway which makes up the tier. Each time, Officer Rene claims he looked into each cell. He recorded that all was well each time.

When Mr. Beatty returned to his cell, he found Mr. Wallace unconscious and blood on the wall. Mr. Beatty quickly notified the correctional officers who had brought inmates back from dinner, but Mr. Wallace had been badly beaten and was catastrophically brain damaged.

During the resulting investigation, bloody clothing was found in two of the three other cells where Officer Rene had permitted prisoners to remain during dinner. No blood was found in any other cell except Mr. Wallace's cell.

The bloody clothing indicates that prisoners from those two cells were able to leave their cells and attack Mr. Wallace in his cell, leading to the blood on his wall. This was accomplished during the 20 minutes in which Officer Rene reports walking the tier twice without seeing anything. Even more telling are the facts that Officer Rene was supposed to be the sole officer on the tier during dinner and he was the only person with the keys to the cells.

As Officer Rene succinctly admitted when asked about how the "inmates from cells 3, 47 and 48" could have gotten to Daquan Wallace, **"the only way they would come out if I let them out," and Rene agreed that he "would have had to have unlocked Daquan's cell."** Ex. 1 (Rene Deposition) at 80, 146-147. There is no other plausible explanation.

This brief introduction is only meant to broadly frame events. The detailed factual section below provides a far more complete picture of the defendants' liability, together with citations to the accompanying exhibits.

II. FACTS

A. Mr. Wallace was Non-Violent, but a Frequent Victim of Gang Violence.

Mr. Wallace was a 20-year-old non-violent offender who was 5'10" tall and weighed a mere 130 pounds. Ex. 2 (Duty Officer Check Sheet). Major Moore "never had any problems or issues with Mr. Wallace," and she stated that, "the entire time he has been at the facility, he was never a problem or issue with me on my shift." Ex. 3 (Moore Deposition) at 138-139.

Defendant Officer Lisa Portee did not remember any complaints or concerns about Daquan during Wallace's time at BCDC. Ex. 4 (Portee Deposition) at 135.

Nicole Wallace, Daquan's mother, testified about "five or six" telephone calls and visits with Daquan while he was incarcerated during which he told his mother that he was being attacked by other detainees because he refused to join the "Black Guerilla Family" gang. Ex. 5 (Wallace Deposition) at 25-26, 28-29. Some attacks included 3 to 4 assailing gang members beating Daquan at once. Ex. 5 (Wallace Deposition) at 25-26, 28-29. The attacks were so frequent and violent that Daquan feared for his life. Ex. 5 (Wallace Deposition) at 30.

Despite the pressure, Daquan told his mother several times that he did not want to join a gang. Ex. 5 (Wallace Deposition) at 25. Daquan apparently told his mother that he refused because he did not want to hurt anyone. Ex. 5 (Wallace Deposition) at 84. As a result, he was the frequent victim of violence.

Ms. Wallace called the jail to report the attacks on Daquan more than 6 times. Ex. 5 (Wallace Deposition) at 33-34. During those calls, she spoke to Lt. Patterson three or four times about her son's safety. Ex. 5 (Wallace Deposition) at 70.

The risk of these types of attacks was already well known to the defendants. Defendant Officer Erica Shird agreed that there are consequences for prisoners who refused to join gangs, including the possibility that, "the gangs attack them." Ex. 6 (Shird Deposition) at 88.

Mr. Wallace's injuries were observed by BCDC officers, the infirmary, his family and even a Circuit Court Judge, who acknowledged them on the record during a hearing. Ex. 7 (12/02/14 Infirmary Report, "altercation by other inmates inmate sustained left periorbital eye bruises and left eye conjunctive hemorrhage...left 2nd digit pain...he also had left shoulder abrasion...left lower lip inside laceration); Ex. 8 (9/9/14 Infirmary Report six days after his arrest including a medical history of "fight/rape," resulting in HIV education being given); Ex. 9 (*State v. Wallace* December 2, 2014 Hearing Transcript; "Mr. LaCorte:...I went to visit Mr.

Wallace on Friday, he had a cut on the side of his head. The Court: Um-hum. Mr. LaCorte: and he told me he's being abused by other inmates. This morning he's got a big black eye....I'm concerned for his safety....Mr. LaCorte:... Your Honor, I mean, the Court can see. The Court: I saw it, yeah. Mr. LaCorte: Right. I mean, it's obvious. And...when I went to see him at jail, he was bleeding from the cut on the side of his face, which is now slightly healed. Mr. Chaudry:...if he is housed at BCDC, sometimes they move inmates that are susceptible to violent attacks by male inmates, over to the witness wing."); Ex. 5 (Deposition of Nicole Wallace, Daquan's mother) at 33-34 (when his mother went to visit him, she observed evidence of his injuries from the attacks including, "marks," "knots," and "bruises."). Wallace Deposition at 33-34.

B. Officers Patterson, Portee and Rene Falsified Grounds to Transfer Mr. Wallace.

Mr. Wallace was initially assigned to the Jail Industries building (JI) at BCDC. JI held fewer violent offenders and generally inmates with a lower security classification than other buildings, such as the more dangerous Men's Detention Center (MDC). Ex. 10 (Patterson Deposition) at 77-80 ("The dormitory is a better setting....at one point they changed the status to our building, the security status, because it's dormitory settings, to like minimum or medium. They were trying to alleviate all maximum security people from being in the JI Building....").

During the morning of December 18, 2014 Correctional Officer Jackens Rene worked the "A Shift" at JI during which he would have interacted with Mr. Wallace. See Ex. 11 (12/18/14 A Shift page from JI Log Book). During the A Shift, Lt. Patterson claims that a Correctional Officer (possibly Rene) allegedly complained that Mr. Wallace was being "disrespectful" and not listening to officers. See Ex. 10 (Patterson Deposition) at 65.

Lt. Patterson does not remember which officers allegedly called Daquan disrespectful. *See* Ex. 10 (Patterson Deposition) at 72. Lt. Patterson was unable to provide any more details about what misconduct allegedly constituted his “disrespect” and failure to listen. *See* Ex. 10 (Patterson Deposition at 65-72). Lt. Patterson failed to offer any examples, list any statements allegedly made by Daquan or identify any directives from guards with which he failed to comply. *See* Ex. 10 (Patterson Deposition at 65-72). Finally, Lt. Patterson did not issue Mr. Wallace a disciplinary infraction for his alleged misconduct.

Nevertheless, Lt. Patterson claims she had Mr. Wallace moved as a result of being disrespectful and failing to listen. Ex. 10 (Patterson Deposition) at 66 (“I determined that he shouldn't be in that dorm anymore...I believe he was moved for that...I believe that I put in a transfer requesting that he be moved.”). This was the move that ended in Mr. Wallace’s assault under Rene’s sole supervision at MDC. Ex. 10 (Patterson Deposition) at 67-68.

To effectuate the move, Lt. Patterson directed Sgt. Portee to *falsify* paperwork transferring Mr. Wallace to MDC. Specifically, Officer Portee testified that Patterson directed her to allege in the transfer paperwork that Mr. Wallace was extorting other inmates for commissary and phone privileges. Ex. 4 (Portee Deposition) at 129; Ex. 12 (Transfer Form). This allegation was undisputedly *false*.

Lt. Patterson has subsequently admitted that Mr. Wallace was never involved with extorting inmates, or stealing from inmates, or anything of the kind. Ex. 10 (Patterson Deposition) at 99. There is no record that he was ever cited for such behavior and there is no record of any detainee complaint of such behavior, all of which would have resulted in significant documentation.

The transfer paperwork was falsified because a transfer would have been more difficult or impossible to justify on any factual grounds. For example, Officer Ericka Shird testified that, “If an inmate was talking back to guards or not wanting to do what the guards tell them to do,” then “that kind of thing wouldn't lead to a transfer...” Ex. 6 (Shird Deposition) at 56.

Although it appears that the false charges were trumped up to support a transfer, multiple witnesses testified that a transfer on such grounds would still be inappropriate. Warden Betty Johnson testified that a detainee should not be moved from the J-section in the JI building to the G-section in the MDC (like Daquan) because there is an allegation that the detainee is extorting other detainees for commissary. Ex. 13 (Johnson Deposition) at 75-76. Instead, Warden Johnson testified that if a detainee was extorting commissary or telephone privileges, they would be put into segregation or lockup by themselves. Ex. 13 (Johnson Deposition) at 35-36.

Numerous defendants offered unequivocal testimony that the grounds cited in the transfer paperwork should have led to segregation, with Mr. Wallace safely housed alone, instead of a transfer to MDC. Defendant Officer Shird testified that “misconduct like trying to take other prisoner's commissary or phone privileges” would lead to time in segregation, but not a transfer. Ex. 6 (Shird Deposition) at 56. Defendant Officer Rene admitted that an inmate should receive a disciplinary “ticket” for infractions like those listed in the transfer documentation and go to solitary “lockup,” not be transferred to a cell in the detention center. Ex. 1 (Rene Deposition) at 67. No “ticket” was issued to Mr. Wallace.

If Mr. Wallace had been placed in segregation, instead of being transferred to the building where the attack occurred on December 18, 2014, the assault could not have happened that day. Ex. 3 (Moore Deposition) at 61-62.

C. The Defendants Arranged Wallace's Transfer Without Proper Approvals.

The transfer form contains a line labelled, "shift commander approval," below which is printed, "void unless signed by shift commander or operation captain where applicable." Ex. 12 (Transfer Form). This line contains no signature. *Id.*; Ex. 3 (Moore Deposition) at 52-54.

According to Warden Johnson, "the traffic officer shouldn't have transported the individual without that signature." Ex. 13 (Johnson Deposition) at 78. Warden Johnson also testified that since the shift commander did not sign the transfer form, personnel at MDC should not have accepted the transfer of Mr. Wallace. Ex. 13 (Johnson Deposition) at 40-42. Specifically, Warden Johnson testified that Defendant Officer "Rene should not have accepted this form without it being signed by the shift commander." Ex. 13 (Johnson Deposition) at 78. Finally, the Warden noted that both the person initiating the transfer and the person accepting the detainee should have been reprimanded for engaging in a transfer without the shift commander's signature. Ex. 13 (Johnson Deposition) at 72.

Officer Shird also agrees that without a lieutenant's signature in this space on the form, the prisoner being transferred should not have been accepted. Ex. 6 (Shird Deposition) at 49.

Officer Portee testified that the transfer should not have happened and that it should have been questioned based on the missing signature. Ex. 4 (Portee Deposition) at 70-71. Specifically, it was the officers' duty to look at the form and make sure that it has the appropriate signatures in order to avoid moving inmates without proper authority. Ex. 4 (Portee Deposition) at 81.

Officer Portee also admitted that other than this one instance, *she is not aware of any transfers ever being performed without the appropriate signatures on the form.* Ex. 4 (Portee Deposition) at 77.

Major Karen Moore agreed that because this line contains no signature, the form is void and the transfer should not have happened. Ex. 3 (Moore Deposition) at 52-55.

Major Moore, who was a shift commander at BCDC at the time, also testified that if any of these allegations had been brought to her attention in the form of a request to transfer the inmate, she would have denied the transfer and placed Mr. Wallace in a segregated cell until there could be a hearing on disciplinary charges. Ex. 3 (Moore Deposition) at 61-62. This would have prevented the attack which later occurred.

The missing shift commander authorization is not the only irregularity evident from the face of the transfer form. The form contains another line for a signature labelled, "traffic office housing assignment." Ex. 12 (Transfer Form). Officer Moore testified that she could not make out even a single letter in the looping marks appearing on that line and she agreed that it looks like, "a bunch of loops," or "scribble," and "not a signature at all." Ex. 3 (Moore Deposition) at 56-57.

Officer Portee testified that that officers are trained to sign forms legibly so that it can later be determined whose signature is at issue. Ex. 4 (Portee Deposition) at 55-56. Indeed, she testified that this procedure is "drilled into" officers during their training. Ex. 4 (Portee Deposition) at 56.

Yet, every defendant officer testified that the scribbled loops on the line for a Traffic Officer's signature are illegible. Ex. 4 (Portee Deposition) at 57; Ex. 10 (Patterson Deposition) at 116; Ex. 13 (Johnson Deposition) at 77.

Officer Portee testified that she knew who the traffic officers were at the time and that, "they wrote legible [sic]. They didn't write like that." Ex. 4 (Portee Deposition) at 53-54.

Officer Portee testified that she did not recognize the markings on the line for a traffic officer's signature. Ex. 4 (Portee Deposition) at 52-55, 58.

Indeed, a review of the form in light of the testimony summarized above suggests that one of the defendant officers merely made looping marks on the relevant line to obscure the fact that the form was never approved by a traffic officer. Ex. 12 (Transfer Form).

The Court need not wrestle with the issue of the *traffic officer's* "signature," however, because the missing *supervisor's* signature unequivocally invalidates the form, as the defendants have uniformly admitted.

D. Officers Patterson, Portee and Rene Conspired to Transfer Mr. Wallace to a Tier Guarded Only by Rene on Insufficient Grounds and Without Proper Approvals.

Officer Rene, who worked the "A Shift" in the morning at JI with Patterson and Portee, was scheduled to work the "B Shift" alone in "G Section" at MDC that very afternoon. Ex. 1 (Rene Deposition testimony about working alone at MDC) at 103-104 *compare* Ex. 11 (12/18/14 A Shift page from JI Log Book, showing Rene working with another officer).

After leaving his cell at JI for the transfer, Daquan was taken to either the Receiving Area or the Traffic Bullpen at BDC for a period of time, and then to cell G-35 in the G Section supervised by Rene. Ex. 4 (Portee Deposition) at 122.

When Mr. Wallace was brought up to the G Section at MDC, Officer Rene formally accepted the transfer by signing the documentation. Ex. 12 (Transfer Form bearing Rene's signature).

Officer Rene admitted knowing that Major Moore, the Shift Commander, was supposed to sign off on the transfer paperwork, but that when it arrived with the prisoner, her signature was missing. Ex. 1 (Rene Deposition) at 73. Warden Johnson testified that Officer "Rene

should not have accepted this form without it being signed by the shift commander.” Ex. 13 (Johnson Deposition) at 78.

Patterson, Portee and Rene colluded to falsify grounds for the transfer and then failed to submit the transfer for approval, knowing full well that permission would have been denied even based on the falsified allegations. The three must have discussed their plans while they worked together during the A Shift at JI, because Patterson and Portee would have no other way to be sure that Rene would accept the incomplete and invalid form later that afternoon.

To understand why these officers went to such lengths to effectuate the transfer, it is important to know that there were always two tier officers assigned to JI, but only one at MDC. Ex. 1 (Rene Deposition testimony about working alone at MDC) at 103-104 *compare* Ex. 11 (12/18/14 A Shift page from JI Log Book, showing Rene working with another officer). As such, Rene would be the only officer supervising Mr. Wallace’s new tier after the transfer took place.

As subsequent events demonstrate, the officers transferred Mr. Wallace to a tier supervised by Rene alone so that Rene could provide gang members there with access to Mr. Wallace with less fear of discovery by other officers.

E. Officer Rene Used the Singular Control he had Acquired Over Mr. Wallace to Encourage and Allow Gang Members to Brutally Attack Mr. Wallace.

Upon being received on the tier at MDC by Officer Rene, Mr. Wallace was assigned to Cell G35. Mr. Wallace’s new cellmate, Joseph Beatty, has provided a sworn affidavit regarding what happened when Mr. Wallace was received by Rene and delivered to the cell:

When Daquan was transferred to my cell, he was placed inside the cell with handcuffs still on. When Daquan was placed in my cell, I was ordered by the correctional officers to leave and go downstairs for dinner, to the day room first. I went downstairs for approximately 5-10 minutes before we went to dinner. When I returned from dinner, I found Daquan unresponsive on his bunk. Daquan did

not go to dinner. He was not in the dining hall that evening... When I returned from the chow hall, all the lights in G Section were off. When I first returned to my cell from chow hall, Daquan was shaking and grunting. When I tried to get Daquan's attention, he did not respond and appeared to be having a seizure and there was blood on the wall and blood and snot coming from his nose. I notified correctional officers that Daquan was not getting up – I notified them within minutes of returning to my cell.

Ex. 14 (affidavit of Joseph Beatty).

Officer Rene was the sole officer assigned to the tier at MDC where Wallace was received after the transfer. Ex. 1 (Rene Deposition) at 103-104. Shortly after 7:00 p.m. the evening of the transfer, Mr. Wallace's tier was allowed to go to dinner.

Major Moore testified that, "All of the offenders are supposed to go to chow whether they want to or not," without exceptions. Ex. 3 (Moore Deposition) at 99-100, 124. Dinner is served for twenty minutes in another building. Ex. 3 (Moore deposition) at 98-99. During that time, the tier should have been empty and the doors to the cells are to remain closed and locked. Ex. 3 (Moore Deposition) at 99-100, 124.

Officer Rene admitted that, *in violation of the policy described by the Major*, he had allowed the detainees in cells 3, 47 and 48 to remain while the others went to dinner. Ex. 1 (Rene Deposition) at 111; 105-106 (*compare* Moore Deposition at 99-100, 124).

Although Rene claims that Mr. Wallace went to dinner, his cellmate testified that Mr. Wallace remained in his cell. Ex. 14 (affidavit of Joseph Beatty); *see also*, Ex. 15 (Criminal Investigation Report) at 4 & 8 ("Detainee Beatty stated that when he went to feed up, Detainee Wallace was in his bed.... When he returned from feed up, he stated that Detainee Wallace was...unconscious."; "Detainee Beatty stated that Detainee Wallace did not go to feed-up that day...").

In fact, multiple witnesses confirmed that Mr. Wallace did not go to dinner. In addition to Detainee Beatty, "Detainee Reece advised that Detainee Wallace was placed in his cell and did not go to the chow hall for dinner." Ex. 15 (Criminal Investigation Report) at 7. Finally, Detainee Harris Bilal, "stated that Detainee Wallace was assaulted by Black Guerilla Family (BGF) gang members," and, "that the incident happened after they left for feed up." Ex. 15 (Criminal Investigation Report) at 5.

As most of the detainees left, Officer Rene walked "cell to cell" to make sure all of the cells were locked shut. Ex. 1 (Rene Deposition) at 55, 95. In order to go to all unsecured cells and secure them, Officer Rene had to walk by Daquan's cell. Ex. 1 (Rene Deposition) at 38 (In describing what is visible looking into a cell, Officer Rene explains that "you can basically see everything."); Ex. 3 (Moore deposition) at 77. In doing so, he would have been able to see into the whole cell. Ex. 3 (Moore Deposition) at 78.

The cells at the detention center were designed such that "there was nowhere to hide" and an officer doing rounds would be able to observe whether the cell was occupied and where in the cell any occupants were located, including in the bed(s). Ex. 1 (Rene Deposition) at 169-170. As such, Officer Rene would have seen Daquan in his cell when Rene did his rounds.

Officer Rene recorded in a BCDC log book that at 19:34 he again physically walked the tier, looking into each cell.¹ Ex. 1 (Rene Deposition) at 111-112. Afterwards, Rene reported, "Security round conducted and all appear safe and secure." Ex. 1 (Rene Deposition) 111-112.

¹ According to Officer Shird, Officer Rene documented "a lot of security rounds" the night of the incident, and "an unusual number of security rounds." Ex. 6 (Shird Deposition) at 73.

Officer Rene testified that an officer doing rounds would “have been able to see whether or not [Daquan] was in poor medical condition from [Rene’s] vantage point outside of his cell.” Ex. 1 (Rene Deposition) at 170. Officer Rene reported no such concerns.

Within minutes of when Officer Rene purports to have done his last rounds, Mr. Wallace’s cellmate returned from dinner, found Mr. Wallace unconscious in his cell, and reported it to one of the officers who had transported detainees back from dinner. Ex. 3 (Moore Deposition) at 67-68; Ex. 22 (Beatty Inmate Statement including, “I tried to wake him up when we came back from Chow and he didn’t move... So I called the CO”); Ex. 14 (affidavit of Joseph Beatty).

Immediately after the assault, the detainees were confined to their cells (except Wallace, who went to the medical unit and his cellmate who was secured elsewhere). Ex. 3 (Moore Deposition) at 124-125. Then the water was turned off to prevent the loss of blood or other evidence down a drain. Ex. 3 (Moore Deposition) at 124-125.

Very shortly after the attack, the Medical Unit at BCDC found that Wallace had “trauma to the right side of his head, his bottom lip, and the back of his head contained sections of blood.” Ex. 15 (Criminal Investigation Report) at 3.

During the investigation which followed, investigators found a t-shirt, orange shirt and blue jeans all with blood on them in cells 47 and 48. Ex. 3 (Moore Deposition) at 129; Ex. 16 (12/23/14 e-mail from Detective Allen to Detective Bonvegna).

Despite the policy that all detainees were to go to dinner, Officer Rene admits allowing the detainees in Cells 3, 47 and 48 to stay behind. Ex. 3 (Moore Deposition) at 125, 129-130. The bloody clothes found in cells 47 and 48 strongly suggest that the assailants came from those cells. No other blood evidence was recovered from any cell other than Mr. Wallace’s cell.

The fact that Mr. Wallace was reportedly fine before dinner and found unresponsive immediately thereafter suggests that the attack happened while the other inmates were at dinner. During this time period, the only officer on the tier should have been Officer Rene. Ex. 3 (Moore deposition) at 135; Ex. 1 (Rene Deposition) at 103-104.

Major Moore, who was one of the responding officers, testified that it was her understanding that Daquan was injured inside his cell. Ex. 3 (Moore Deposition) at 80; 45. This is in keeping with the fact that Mr. Wallace's cellmate observed blood on the wall in their cell. Ex. 14 (affidavit of Joseph Beatty).

Officer Rene had the keys to the cells during dinner and throughout his shift. Ex. 1 (Rene Deposition) at 80. When asked about how the "inmates from cells 3, 47 and 48" could have gotten to Daquan Wallace, **Officer Rene admitted that, "the only way they would come out if I let them out," and Rene agreed that he "would have had to have unlocked Daquan's cell."** Rene Deposition at 80, 146-147.

John Gauthier was produced by the State as a designee to testify regarding issues related to the function and control of various systems associated with the physical plant at BCDC. Mr. Gauthier described himself as "the assistant director for facilities maintenance for all of the state [correctional] institutions in Maryland." See Ex. 17 (Gauthier Deposition) at 7-8. His long career in this field includes having been the "capital maintenance projects manager" at the time of the events giving rise to this case, when his duties included, "direct interface with all DGS critical and capital maintenance projects for all the institutions in the state." See Ex. 17 (Gauthier Deposition) at 10-11.

As the designee for the State of Maryland, Mr. Gauthier testified as follows regarding how cell doors were operated at BCDC in 2014:

8 And now, if a guard wanted to open a
9 particular cell, the cell at issue here is G35, if
10 it matters, but if a guard wanted to open a
11 particular cell, how was that done in 2014, let's
12 say? Did they walk down the tier with a set of
13 keys?

14 A. Set of keys.

15 Q. All right. And so the cell was
16 opened. Was it opened at the cell door or at a
17 station nearby?

18 A. Cell door.

19 Q. Okay.

20 A. There were no central controls in BCDC
21 men's detention center. There were common doors
1 that were controlled from a discrete relay control
2 panel, but not cell doors.

See Ex. 17 (Gauthier Deposition) at 54-56.

At this stage in the case, there is also reason to suspect the involvement of Correctional Officer Erika Shird. Officer Shird was assigned to Mr. Wallace's tier at MDC on the A shift. Records reflect that she worked at least one-half hour of overtime, which would have overlapped with the shift during which Mr. Wallace was injured and Officer Rene's arrival to replace her. See Ex. 18 (Daily Overtime Form). Although the form she self-servingly filled out shows that she left just over thirty minutes into the B Shift, other facts detailed below suggest that she stayed longer and aided in the attack.

Detainee X² has provided an affidavit stating that, "a *female* correctional officer opened Daquan's cell door to allow other inmates access to his cell....The other inmates who were given

² An un-redacted copy of the affidavit cited above, which discloses the detainee's name, has been provided to the defense under a confidentiality agreement. Before it is publicly filed with the Court, the plaintiffs will file a motion to seal the document in order to protect the name of the

access to his cell beat Daquan for an extended period of time,” and a “correctional officer could hear the beating going on.” *See* Ex. 19 (Redacted Affidavit) (emphasis added).

Rene Jackens is a male. Officer Shird is the only female Correctional Officer identified in BCDC records who could possibly have been the person described by the affiant (assuming she stayed even later on the tier than she disclosed in her overtime form).

Another fact suggesting that it was Officer Shird who is identified as having opened the door is a former detainee’s contact with the Warden Betty Johnson, which the Warden described as follows:

Today, I was leaving the JI building...when I was approached by an African American male. The individual addressed me as Warden Johnson. He asked me if they ever found out who killed the young boy on G Section in December. I asked him his name but he refused to give it to me stating he was there when it happened but has since been released....He stated the boys Flatline, Meatball and D-Nice beat him up and put him back in bed. He went on to say they are BGF. In addition, he went on to say Ofc. Sheraton was on the section and allowed these assaults and robberies to occur.

Ex. 20 (April 28, 2015 e-mail from Warden Betty Johnson). “BGF” refers to the notorious “Black Guerrilla Family” gang which threatened and previously beat Mr. Wallace.

Employment records reflect no “Officer Sheraton” at BCDC at the time. In fact, the plaintiffs have not been able to locate any officers whose names sound anything like “Sheraton,” *except* Officer Shird.

Given the brief verbal nature of the sidewalk conversation and the fact that Warden Johnson was taken by surprise, it is entirely possible that she heard “Sheraton” instead of “Shird.” The two names sound very similar when spoken aloud.

affiant. The affiant is still incarcerated and fears for his life if his identity is made public. In the interim, a redacted version, obscuring only the affiant’s name, is attached as Ex. 19.

Moreover, Officer Shird had been assigned to that very tier on the day in question, and her overtime form reflects that she stayed late, at least partially overlapping with the shift on which Mr. Wallace was attacked.

Even if Officer Shird physically opened the door, this could not have been accomplished without Officer Rene's involvement as he had the keys and Rene admits having done rounds at least twice during the brief dinner period when the attack occurred. At the very least, Officer Rene would have had to have provided the keys, observed the attack and/or the aftermath and failed to report it. Ex. 3 (Moore Deposition) at 78. (Officer Rene did not report seeing an assault occur.).

After the attack, Mr. Wallace was transferred to the medical unit at BCDC and then the hospital, where his traumatic brain injury was diagnosed. He is alive today, but totally unable to care for himself.

F. The Evidence Demonstrates that the Defendants Cooperated with One Another to Effectuate the Attack on Mr. Wallace.

Correctional Officers Rene and/or Shird permitted physical access for the attack to occur by ordering Mr. Wallace's cellmate to dinner early and opening both the assailant's cells and Mr. Wallace's cell. Then Officer Rene, who had to have seen and heard the attack during his rounds, allowed it to continue and subsequently kept the identities of the assailants a secret.

It also appears that gang members were ready to strike in advance. Mr. Wallace was only on the tier in the MDC building for a very short period of time before being attacked. There was not enough time for the planning and execution of the attack in the brief interval after his arrival until the attack occurred.

Nor was there enough time or interaction between inmates for Wallace to have been attacked for any other reason than his prior refusal to join the gang. Mr. Wallace had not left his

cell since being transferred to MDC and there is no evidence that he had ever interacted with his attackers previously. This further suggests a premeditated gang attack.

The premeditated nature of the attack helps to explain the actions of Patterson and Portee in falsifying the grounds for the transfer and failing to obtain proper approvals. Their actions were designed to place Mr. Wallace within reach of gang members at MDC supervised only by Officer Rene so that the attack could occur.

Rene must have also participated in the planning of the transfer because Patterson and Portee would have no other way of knowing that the “invalid” form would be accepted. In considering this evidence, it is important to recall that the grounds for the transfer were completely false. If the transfer was refused, then this false reporting would have come to light and Patterson and Portee could have lost their jobs. The suggestion that they would take such a risk without first talking to Officer Rene is unthinkable.

Indeed, Patterson and Portee would have known that Rene was slated to be the officer to receive Mr. Wallace. They also certainly had the opportunity to discuss matters with him. He was working at JI alongside Patterson and Portee while the paperwork was being drafted.

The only rational explanation for the reckless misconduct in procuring the transfer is that it was designed to put Mr. Wallace in harm’s way with the cooperation of Officer Rene.

The transfer certainly was *not* motivated by the desire to remove Mr. Wallace from any interactions with Correctional Officers at JI. First, Rene was scheduled to follow Wallace from JI to MDC that day and he routinely worked at MDC. Second, Officer Portee herself admitted that she did not remember any complaints or concerns about Daquan during his time at BCDC. Ex. 4 (Portee Deposition) at 135.

The transfer cannot be explained as an attempt to help Mr. Wallace either. First, Lt. Patterson had the choice to request protective custody and segregation when filling out the housing form, but she chose not to do so. Ex. 10 (Patterson Deposition) at 119; Ex. 12 (Transfer Form with blanks for protective custody). Instead, she transferred him from a less dangerous situation with lower-threat prisoners to a more perilous setting. Finally, the defendants fabricated serious disciplinary allegations to justify the transfer.

In addition to working closely together at BCDC, Rene, Patterson, Portee and Shird are all intimately aligned in other ways. Lt. Patterson is a social friend of retired Sgt. Portee to this day. Ex. 10 (Patterson Deposition) at 134. Officer Shird was Officer Rene's Field Training Officer when he was a new recruit. Ex. 1 (Rene Deposition) at 150. Finally, after working at MDC, Officer Shird was transferred to JI to work with Lt. Patterson. Ex. 10 (Patterson Deposition) at 144.

G. The Evidence Demonstrates that the Defendants Cooperated with the BGF Gang to Effectuate the Attack on Mr. Wallace.

Given that he was held back from dinner in his cell shortly after he arrived, and then attacked in his cell during dinner, it does not appear that Mr. Wallace had any interactions on the tier at all with the assailants prior to the attack. Indeed, there is no evidence that he had ever even met them previously. This suggests that the attack was premeditated.

Inmate statements cited above reflect that Mr. Wallace's attackers were BGF gang members. Mr. Wallace had been beaten before on multiple occasions as a result of his failure to join BGF. It stands to reason that this was another such attack, although of far greater severity.

Furthermore, the falsification of the grounds for the transfer, the failure to obtain approval for it, Rene's acceptance of the transferee and the defendant's efforts to provide access to Wallace for gang members while keeping their actions secret, all strongly suggest that the

transfer was made by the officers at the request of gang members. There is no other tenable explanation for all that occurred.

This conclusion is buttressed by the fact that the very gang threatening Mr. Wallace was in almost total control of BCDC at the time, which resulted in the closure of the facility two years later. *See, e.g.*, <https://www.businessinsider.com/baltimore-jail-closed-2015-8> (quoting Maryland Governor Larry Hogan, “The final closure of this detention center removes a stain on the reputation of our state and Maryland’s correctional system. For years, corruption, criminal activity, and deplorable conditions have plagued this facility, but that ends today.”).

In a press release describing a case which eventually led to the convictions of over 40 people, the FBI announced the initial indictment of 13 correctional officers with the Maryland Department of Public Safety and Correctional Services, “for conspiring to run operations of the Black Guerilla Family (BGF) gang inside correctional facilities,” especially BCDC. The release went on to quote Special Agent in Charge Stephen E. Vogt as follows:

This investigation revealed the pervasive nature of prison corruption in Baltimore City’s Detention Centers....In this case, the inmates literally took over ‘the asylum,’ and the detention centers became safe havens for the BGF.

See <https://archives.fbi.gov/archives/baltimore/press-releases/2013/thirteen-correctional-officers-among-25-black-guerilla-family-gang-members-and-associates-indicted-on-federal-racketeering-charges>.

Indeed, there is extensive testimony from the officers themselves admitting that Correctional Officers cooperated with inmates to commit crimes in BCDC, including attacks on inmates like Mr. Wallace. In 2011 and 2012, Major Moore began to hear allegations that officers were allowing assaults to occur. Ex. 3 (Moore Deposition) at 25. Although she claims that the frequency decreased, Major Moore continued to hear that officers were allowing inmate-on-inmate assaults to occur in 2013 and 2014. Ex. 3 (Moore Deposition) at 26-27. From 2011 to

2014, the problem of corrections officers cooperating directly with gang members to achieve unlawful ends at BCDC was described by Major Moore as “pretty bad.” Ex. 3 (Moore Deposition) at 33-34. Major Moore testified that BCDC still had such problems as it was being closed in 2016. Ex. 3 (Moore Deposition) at 37. Major Moore admitted to being aware of “situations where inmates were harmed as a result of guards cooperating with gang members.” Ex. 3 (Moore Deposition) at 35-36.

Defendant Lt. Patterson testified that during her tenure at BCDC, “prisoners cooperated with guards and guards cooperated with prisoners to perform criminal conduct there.” Ex. 10 (Patterson Deposition) at 22. Lt. Patterson had also heard that guards had sexual relationships with detainees and that “there was other potential criminal conduct that these guards were engaging in with or on behalf of inmates.” Ex. 10 (Patterson Deposition) at 23.

Motivation is ultimately irrelevant where constitutional violations have occurred. Perhaps the officers did not like Mr. Wallace for some unknown reason or perhaps they did perceive that he was disrespectful at JI (despite their own descriptions of him to the contrary). What matters is that these officers violated their duties and Mr. Wallace’s constitutional rights, resulting in catastrophic and permanent injury.

III. LEGAL STANDARD

A motion for summary judgment may only be granted if there is no genuine dispute as to any material fact in the record and the moving party is entitled to judgment as a matter of law. *See Gunby v. Olde Severna Park Improvement Ass’n*, 174 Md. App. 189, 235, 921 A.2d 292, 320 (2007). In attempting to avoid a full trial by requesting summary judgment, defendants bear a heavy burden of proof. *Id.* The plaintiff has no burden of proof whatsoever. *Goodwich v. Sinai Hosp.*, 343 Md. 185, 206, 680 A.2d 1067, 1078 (1996) (noting that “the non-movant bears no

burden of proof at the summary judgment stage”). The purpose of summary judgment “is not to try the case or resolve factual disputes, but to determine whether a factual controversy exists requiring a trial.” *Walpert, Smullian & Blumenthal, P.A. v. Katz*, 361 Md. 645, 650 n.2, 762 A.2d 582, 585 n.2 (2000). The burden of proof lies solely with Defendants to identify portions of the record—affidavits, documents, or testimony that would be admissible at trial—proving the absence of any dispute of material fact. *Bond v. Nibco, Inc.*, 96 Md. App. 127, 135-36, 623 A.2d 731, 735 (1993).

Moreover, the Court must consider all the facts in a light most favorable to Plaintiff, the non-moving party, and must draw all reasonable inferences in favor of Plaintiff. *Rhoads v. Sommer*, 401 Md. 131, 148, 931 A.2d 508, 518 (2007). In addition to showing that there are no material facts in dispute, to obtain summary judgment, defendants must prove that they are entitled to judgment as a matter of law on all claims. Md. Rule § 2-501(f). “A motion for summary judgment must satisfy the requirements for the entry of a judgment in the same fashion and to the same extent as if the case had gone to trial.” Paul V. Niemeyer & Linda M. Schuett, *Maryland Rules Commentary* 354 (3d ed. 2003).

IV. ANALYSIS

A. DISPUTED FACTS PRECLUDE SUMMARY JUDGMENT

When the factual outline above and its detailed citation to the record is compared with the version of events proffered by the defense, it is clear that there are numerous material factual disputes which preclude summary judgment. Without limitation the most critical of these are outlined below.

i. The Defendants’ Version of the Attack is Contrary to the Evidence.

The defense claims that Mr. Wallace went to dinner and that he was attacked as inmates were returning. This is contrary to the three different inmate statements that Wallace stayed behind and did not go to dinner.³ It is also contrary to the investigative conclusion reached by Major Moore to the effect that Wallace was attacked in his cell where he was found and where there was blood on the wall.

Moreover, in order for the attackers to have come from Cells 47 and 48 (where the bloody clothes were found), they would have had to have been let out by Officer Rene. It is undisputed that the inmates in Cells 47 and 48 did not attend dinner, but were instead locked in their cells at the time. It is also undisputed that Officer Rene had the keys.

The State's designee, Assistant Director for Facilities Maintenance John Gauthier testified that at the time of these events, cell doors on Mr. Wallace's tier were opened with a "set of keys," and that this happened at each cell door, and not at a central station because, "[t]here were no central controls in BCDC men's detention center" for cell doors. *See* Ex. 17 (Gauthier Deposition) at 54-56.

Therefore, in order for the occupants of Cells 47 and 48 to get out of their locked cells as the others were on their way back from eating and get blood on their clothes assaulting Mr. Wallace, Rene had to have released them. He was, after all, the only officer with the keys. Ex. 1 (Rene Deposition) at 80.

The defense further alleges that the attack occurred during a time when officers were distracted by an unrelated incident between two detainees on Mr. Wallace's tier as the inmates all returned from dinner. This theory is untenable not just because the assailants were locked in

³ Officer Rene admitted that Beatty's statement differed substantially from Rene's version of events. Ex. 1 (Rene Deposition) at 124-126. Rene had no explanation for the discrepancy except to continue to insist that Daquan had left the tier. *Id.*

their cells, but also because the radio call associated with the unrelated incident went out at 19:17 and was cancelled at 19:18. *See* Ex. 21 (Post 13 Log Book showing a brief call for assistance on Post 56(G) – Mr. Wallace’s Tier).

The incident which the defense claims distracted officers lasted less than one minute. *Id.* That was simply not enough time for Mr. Wallace to be so severely beaten by three men and then returned to his bed, which is where he was found.

In addition, Wallace’s cellmate discovered Wallace unresponsive in his bunk and notified officers almost immediately upon his return from dinner. The initial call for assistance for Wallace went out at 19:32. *See* Ex. 21 (Post 13 Log Book). This was 14 minutes *after* the supposed distraction *ended*. Officers could not have still reasonably been distracted 14 minutes later by an incident lasting less than a minute on the same tier where Wallace was attacked.

Moreover, when the inmates are moved in groups, they are accompanied by a transport team. Although it can differ, the team consists of approximately five to six officers in front of the group of inmates and another five to six officers in the rear of the group of inmates, for a total of 10-12 officers. Ex. 1 (Rene Deposition) at 53.

In other words, in addition to Officer Rene, whose role was to remain on the tier, when the defense avers this event occurred, there was a much larger team of officers present. This makes it even less tenable that the whole team was still somehow so distracted by a one minute event that they all missed a three-on-one assault on the same tier 14 minutes later.

Finally, the defense theory is that the officers were distracted by another fight (14 minutes earlier) and used a central mechanism to open all of the cells on the tier, which (according to the defense) allowed the assailants to move across the tier unnoticed and attacked Mr. Wallace in his cell.

This defense theory relies on their being a central release for all of the cell doors. Otherwise, there is no way for the defense to explain how the assailants, who did not go to lunch and were locked in their cells during lunch, got out.

Yet, as the State's designee and Assistant Director for Facilities Maintenance testified, cell doors on Mr. Wallace's tier were opened with a "set of keys," and that this happened at each cell door, and not at a central station because, "[t]here were no central controls in BCDC men's detention center" for cell doors. *See* Ex. 17 (Gauthier Deposition) at 54-56. There was no central cell door release. Therefore, Rene must have stood directly at the assailant's door when he let them out and directly at Mr. Wallace's door when he let the assailants in. He would have known, at the very least, that he was needlessly releasing the assailants. More likely, based on the evidence summarized above, he knew that he was releasing them, providing them access to Mr. Wallace and allowing an assault to occur. The difference, from a liability perspective, is negligible.

ii. **The Defendants' Version of Lt. Patterson's Telephone Call with Ms. Wallace is Disputed.**

Ms. Wallace told Ms. Patterson about injuries to Daquan's eye during one of her telephone calls to the institution. Ex. 5 (Wallace Deposition) at 58-59, 72. Ms. Patterson observed the obvious injuries, said she did not like the way Mr. Wallace's eye looked, and promised his mother that he would receive medical attention. Ex. 5 (Wallace Deposition) at 58-59, 72. Lt. Patterson called Daquan's mother back later to report that his eye socket was injured. Ex. 5 (Wallace Deposition) at 67.

Lt. Patterson admits that Ms. Wallace contacted her by telephone prior to the attack which is the primary subject of this case and prior to Mr. Wallace's transfer to the building where he was attacked. Ex. 10 (Patterson Deposition) at 57. Lt. Patterson also admits that Ms.

Wallace informed Lt. Patterson that other inmates were trying to get Mr. Wallace to join a gang and that he had refused and was afraid for his safety. Ex. 10 (Patterson Deposition) at 62. Finally, Lt. Patterson admits that Daquan's mother requested that he be moved to protective custody as a result. Ex. 10 (Patterson Deposition) at 62.

These facts demonstrate that Lt. Patterson knew of the grave risk to Mr. Wallace, knew he had previously been attacked and yet still procured his invalid and fraudulent transfer into a more dangerous environment, apparently at the request of the gang. This behavior is outrageous.

Lt. Patterson also promised during this telephone exchange to place Mr. Wallace into protective custody based on the obvious injury. Ex. 5 (Wallace Deposition) at 86-87. Mr. Wallace was never placed into protective custody.

In disputed testimony, Lt. Patterson further claimed that she brought Mr. Wallace into her office to speak to his mother over the telephone and that, during the call, he *allegedly* refused protective custody.

In support of her allegation, Lt. Patterson claims that Mr. Wallace wrote an inmate statement, saying that he did not fear for his safety and did not want to be moved. Ex. 10 (Patterson Deposition) at 64. Lt. Patterson claims that the alleged inmate statement as well as a report she wrote reflecting the conversation were given to the Security Chief and the Warden after the attack. Ex. 10 (Patterson Deposition) at 83-85.

No such documents have been produced in discovery despite the availability of hundreds of pages of contemporaneous reports, including others from Lt. Patterson.

Moreover, Ms. Wallace does not recall any conversation with Ms. Patterson and Daquan about whether Daquan wanted to go into protective custody. Ex. 5 (Wallace Deposition) at 74. Indeed, Ms. Wallace testified very forcefully that no such conversation ever occurred. Ex. 5

(Wallace Deposition) at 74. Daquan never rejected protective custody during any call with her.
Ex. 5 (Wallace Deposition) at 87.

**B. The Defendants are *Not* Entitled to Summary Judgement
on Count I, Article 24 of the Maryland Declaration of Rights.**

The defense begins its analysis by arguing that the *federal* 8th Amendment standard for “*sentenced prisoners*” applies to the plaintiff’s *state* Article 24 claim despite admitting that he was a “*pretrial detainee*.” See Defense Motion at 4. The defense cites no case in which Maryland has actually adopted this standard, however.

Instead, the defense merely notes that the state constitution is sometime interpreted *in pari materia* with the federal constitution. In so noting, the defense fails to advise the court that, “Maryland caselaw repeatedly notes that federal and state due process clauses are interpreted *in pari materia*, but Article 24 has independent protective force and can be interpreted more broadly.” *Smith v. Bortner*, 193 Md. App. 534, 553, 998 A.2d 369, 380 (2010) (*citing Koshko v. Haining*, 398 Md. 404, 443–44, 921 A.2d 171 (2007)).

In fact, the Court of Special Appeals has rejected the application of the 8th Amendment to pretrial detainees like Mr. Wallace:

Bortner suggests in his brief that Smith may have enjoyed even less protection than Article 24 would afford her because the arrest warrant was the result of a violation of a probation before judgment appellant received in 2001, and a judgment of probation means she was found guilty. See *Howard County Dept. of Social Services v. Linda J.*, 161 Md.App. 402, 410, 869 A.2d 404 (2005). He contends that only the Eighth Amendment, which protects convicts from cruel and unusual punishment, provided appellant protection.... Even if properly presented here, this argument is incorrect. The arrest warrant issued against appellant was based on an alleged violation of her probation. At the time she was arrested by the Baltimore County police, she had never been adjudicated guilty of violating her probation, and it became clear subsequently that she, in fact, did not violate probation. Indeed, the warrant was based on an erroneous report of her probation officer and should have been corrected by the court when the probation officer informed the court of the mistake. Therefore, appellant was a *pretrial detainee* awaiting adjudication of whether she was guilty of violating her probation.

Smith v. Bortner, 193 Md. App. 534, 550, 998 A.2d 369, 378 (2010). Daquan Wallace was also a pretrial detainee at the time of the events at issue here.

Bortner held that a due process analysis applied to pretrial detainees instead of the 8th Amendment standard. The case went on to define the contours of the applicable due process standard as follows:

The parties have staked out widely divergent positions on the appropriate due process standard governing excessive police force against a pre-trial detainee. *Bortner* now argues that the sole standard governing the excessive force contention here is the “elemental” standard of “shock the conscience,” which denotes a “very high standard of culpability.” ... Smith contends that we should apply the due process test articulated in *Robles*, 302 F.3d at 269, of whether the detaining officer's conduct amounted to punishment that was not an incident of some other legitimate government purpose. Smith's argument is strengthened by the fact that *Robles* is based upon the Supreme Court's decision in *Bell v. Wolfish*, *supra*, as reaffirmed in *Graham* with regard to an excessive force claim of a pre-trial detainee.

The parties do not appear to disagree that the shock-the-conscience standard is the more difficult test for a plaintiff to meet and that the *Bell v. Wolfish* analysis is the more plaintiff-friendly. Equally clear is that the “shock-the-conscience” standard is not a one-size-fits-all due process standard for police misconduct.

* * *

We believe Supreme Court cases make it clear that, as a matter of federal due process, pre-trial detainees merit more protection from excessive force than that provided by the elemental shock-the-conscience standard. That is the import of *Lewis*, *Graham*, and *Bell*. **As a matter of federal due process, the appropriate constitutional standard is that set forth in *Bell*. Smith argues that under Article 24 of the Declaration of Rights, the same standard should apply. We agree.**

Smith v. Bortner, 193 Md. App. 534, 549–53, 998 A.2d 369, 378–80 (2010).

Thus, the *Bortner* case both rejected the 8th Amendment approach urged by the defense and adopted the lower standard for due process violations found in *Bell v. Wolfish*, 441 U.S. 520, 535–39, 99 S. Ct. 1861, 1872–74, 60 L. Ed. 2d 447 (1979). The proper analysis for claims brought by pretrial detainees like Mr. Wallace is explained in *Bell* as follows:

In evaluating the constitutionality of conditions or restrictions of pretrial detention ... we think that the proper inquiry is whether those conditions amount to punishment of the detainee. For under the Due Process Clause, a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law....A person lawfully committed to pretrial detention has not been adjudged guilty of any crime. He has had only a "judicial determination of probable cause as a prerequisite to [the] extended restraint of [his] liberty following arrest." ... And, if he is detained for a suspected violation of a federal law, he also has had a bail hearing. ... Under such circumstances, the Government concededly may detain him to ensure his presence at trial and may subject him to the restrictions and conditions of the detention facility so long as those conditions and restrictions do not amount to punishment, or otherwise violate the Constitution.

* * *

This Court has recognized a distinction between punitive measures that may not constitutionally be imposed prior to a determination of guilt and regulatory restraints that may.

* * *

Thus, if a particular condition or restriction of pretrial detention is reasonably related to a legitimate governmental objective, it does not, without more, amount to "punishment." Conversely, if a restriction or condition is not reasonably related to a legitimate goal-if it is arbitrary or purposeless-a court permissibly may infer that the purpose of the governmental action is punishment that may not constitutionally be inflicted upon detainees qua detainees.

Bell v. Wolfish, 441 U.S. 520, 535-39, 99 S. Ct. 1861, 1872-74, 60 L. Ed. 2d 447 (1979).

The correct analysis for an Article 24 claim brought by a pretrial detainee as a result of his treatment in confinement is whether the act complained of "is reasonably related to a legitimate governmental objective," or whether it is "not reasonably related to a legitimate goal" or "arbitrary or purposeless." *Id.* If the detainee's treatment is "not reasonably related to a legitimate goal" or "arbitrary or purposeless," then, such treatment "may not constitutionally be inflicted upon [the] detainee." *Id.*

While this is an interesting academic issue, the choice of an Article 24 standard should not determine the outcome of this case. The plaintiffs can meet both the 8th Amendment standard incorrectly urged by the defense and the lesser due process standard which properly applies under *Bortner*.

First, the plaintiff will address the higher, but incorrect, standard suggested by the defense. The defense *incorrectly* urges the Court to apply “the legal principles governing a

sentenced prisoner’s Eighth Amendment failure to protect claim,” as such:

In order to succeed on such a claim, a prisoner must prove that the defendant (i) had knowledge of a substantial risk of serious harm and (ii) acted with deliberate indifference, a criminal reckless standard, to the prisoner’s safety.

See Defense Motion at 4. The plaintiff notes that *Farmer v. Brennan*, 511 U.S. 825, 833–34, 114 S. Ct. 1970, 1976–77, 128 L. Ed. 2d 811 (1994), the case the defense cites for this test, was careful to note that:

as the lower courts have uniformly held, and as we have assumed, “prison officials have a duty ... to protect prisoners from violence at the hands of other prisoners.” *Cortes-Quinones v. Jimenez-Nettleship*, 842 F.2d 556, 558 (CA1) **1977 (internal quotation marks and citation omitted), *cert. denied*, 488 U.S. 823, 109 S.Ct. 68, 102 L.Ed.2d 45 (1988); *see also* *Wilson v. Seiter*, 501 U.S., at 303, 111 S.Ct., at 2326–2327 (describing “the protection [an inmate] is afforded against other inmates” as a “conditio[n] of confinement” subject to the strictures of the Eighth Amendment). Having incarcerated “persons [with] demonstrated proclivities for antisocial criminal, and often violent, conduct,” *Hudson v. Palmer*, *supra*, 468 U.S., at 526, 104 S.Ct., at 3200, having stripped them of virtually every means of self-protection and foreclosed their access to outside aid, the government and its officials are not free to let the state of nature take its course. *Cf. DeShaney*, *supra*, 489 U.S., at 199–200, 109 S.Ct., at 3021–3022; *Estelle*, *supra*, 429 U.S., at 103–104, 97 S.Ct., at 290–291....gratuitously allowing the beating...of one prisoner by another serves no “legitimate penological objectiv[e],” *Hudson v. Palmer*, *supra*, 468 U.S., at 548, 104 S.Ct., at 3211 (STEVENS, J., concurring in part and dissenting in part), any more than it squares with “‘evolving standards of decency,’ ” *Estelle*, *834 *supra*, 429 U.S., at 102, 97 S.Ct., at 290 (*quoting* *Trop v. Dulles*, 356 U.S. 86, 101, 78 S.Ct. 590, 598, 2 L.Ed.2d 630 (1958) (plurality opinion)). Being violently assaulted in prison is simply not “part of the penalty that criminal offenders pay for their offenses against society.” *Rhodes*, *supra*, 452 U.S., at 347, 101 S.Ct., at 2399.

Farmer v. Brennan, 511 U.S. 825, 833–34, 114 S. Ct. 1970, 1976–77, 128 L. Ed. 2d 811 (1994).

The plaintiff objects to the application of the federal 8th Amendment standard for *convicted prisoners*, and maintains that the ordinary Article 24 due process standard for *pretrial*

detainees like the plaintiff should apply. However, the plaintiff notes that even the higher standard urged by the defense is easily met here.

There are multiple federal cases with facts similar to the present case in which convicted prisoners have met the 8th Amendment standard. For example, *Fischl v. Armitage*, 128 F.3d 50, 51 (2d Cir. 1997) involves facts remarkably similar to the case at bar. Plaintiff Josef Fischl, formerly an inmate in New York State's Clinton Correctional Facility, appealed from a final judgment granting summary judgment on his 8th Amendment complaint alleging that correctional officers allowed other inmates to enter his prison cell and assault him. The Second Circuit Court of Appeals reversed the grant of summary judgment and remanded the case for trial, finding that the allegation that officers permitted inmates to enter another cell for purposes of an assault was sufficient grounds for liability under the 8th Amendment.

In *Hostetler v. Green*, 323 F. App'x 653, 655 (10th Cir. 2009), a guard permitted one inmate to enter and remain in the cell of another inmate for 10 minutes while food trays were being collected. The plaintiff was raped in the cell during that time. In an opinion authored by The Honorable Neil Gorsuch (now a Supreme Court Justice), the Tenth Circuit Court of Appeals held that letting an inmate into another inmate's cell against policy was sufficient for 8th

Amendment liability:

...we readily conclude that it was clearly established by 2004, when the alleged infraction took place, that an inmate has an Eighth Amendment right to be protected against prison guards taking actions that are deliberately indifferent to the substantial risk of sexual assault by fellow prisoners. See *Farmer*, 511 U.S. at 833-34, 114 S.Ct. 1970; *Ramos v. Lamm*, 639 F.2d 559 (10th Cir.1980) ("[A]n inmate does have a right to be reasonably protected from constant threats of violence and sexual assaults from other inmates."). Indeed, when we were faced recently with an inmate's claim arising from sexual assaults beginning in early 2005, we expressly rejected the prison officials' defense that clearly established law didn't provide them notice that they could not take actions deliberately indifferent to a substantial risk of prisoner-on-prisoner sexual assault. We observed that "[t]he Supreme Court and the Tenth Circuit have repeatedly and

unequivocally established an inmate's Eighth Amendment right to be protected from substantial risks of sexual assault by fellow prisoners." *Howard v. Waide*, 534 F.3d 1227, 1242 (10th Cir.2008).

Hostetler v. Green, 323 F. App'x 653, 657–59 (10th Cir. 2009). While Hostetler addressed sexual assault, there is no reason to legally distinguish that form of violence from the physical assault that left Mr. Wallace catastrophically brain damaged. Moreover, as noted above, Mr. Wallace had been seen by medical staff previously for "rape/fight" and the medical records from after the final assault on him noted, "human lips marks" on his chest – apparently in reference to a bite.

Opening the door to permit an inmate-on-inmate assault also led to 8th Amendment liability in the case of *Irving v. Dormire*, 519 F.3d 441, 447–48 (8th Cir. 2008):

Irving charges that Hyer and Neff failed to protect him by opening the cell doors so that Prewitt could attack him. To prove a sufficiently serious deprivation in failure to protect claims, an inmate must prove that prison officials caused him to be "incarcerated under conditions posing a substantial risk of serious harm." *Young v. Selk*, 508 F.3d 868, 872 (8th Cir.2007) (internal quotation omitted); see also *Taylor v. Crawford*, 487 F.3d 1072, 1079–80 (8th Cir.2007) (stating that a substantial risk of unnecessary infliction of pain is an unconstitutional condition of confinement). We further note that "gratuitously allowing the beating ... of one prisoner by another serves no legitimate penological objectiv[e]." *Farmer*, 511 U.S. at 833, 114 S.Ct. 1970 (alteration in original, internal quotation omitted). "Being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society." *Id.* at 834, 114 S.Ct. 1970 (internal quotation omitted).

The allegation that Hyer and Neff opened the cell doors so as to enable Prewitt to attack Irving portrays unjustifiable, actionable inmate-endangering conduct.... Hyer and Neff not only failed to take reasonable measures to guarantee Irving's safety as required by the Eighth Amendment, see *Farmer*, 511 U.S. at 832, 114 S.Ct. 1970, they intentionally brought danger to him. They themselves were a large part of the "conditions posing a substantial risk of serious harm" to Irving.

* * *

Accordingly, because the alleged deprivation of Irving's right to be free from assault by fellow inmates was sufficiently serious to support a failure to protect

claim, the district court properly denied qualified immunity to Hyer and Neff with respect to this incident.

Irving v. Dormire, 519 F.3d 441, 447–48 (8th Cir. 2008).

Likewise, in *Johnson v. Thaler*, No. C.A. C-09-313, 2009 WL 5216936, at *5 (S.D. Tex. Dec. 24, 2009), the trial court held that opening a cell door is sufficient for 8th Amendment liability:

[P]laintiff claims that Officer Doe knew he was placing plaintiff at risk of harm when he opened the cell door because he knew there was no guard working the pod. Similarly, he claims that Officer Sanchez knew or should have known that by leaving his assigned post, he caused plaintiff to be more vulnerable to attack. Thus, for purposes of § 1915A screening, plaintiff has stated Eighth Amendment claims against these defendants, and these claims will be retained and service ordered on these defendants.

Id.

In *Newman v. Holmes*, 122 F.3d 650, 652–53 (8th Cir. 1997), there was 8th Amendment liability for a prison guard who opened a cell door allowing an assault to occur:

Holmes argues that the evidence was insufficient to support a finding that he violated plaintiffs' Eighth Amendment right to be free from cruel and unusual punishment by failing to protect them from Johnson's unprovoked attack. The jury necessarily found that Johnson escaped because Holmes for some reason opened Johnson's cell door, and the evidence is clearly sufficient to support that finding. The question is whether the evidence supports the additional finding of an Eighth Amendment violation.

* * *

On balance, we conclude that the circumstantial evidence of deliberate indifference is sufficient to require that the jury verdict be upheld. The judgment of the district court is affirmed.

Newman v. Holmes, 122 F.3d 650, 652–53 (8th Cir. 1997)

As a result, the conduct of Officers Rene and Shird in opening the door clearly gives rise to liability even under the 8th Amendment standard.

As noted above, Officers Patterson and Portee orchestrated an unlawful transfer in order to place Mr. Wallace in harm's way. This behavior, as well, gives rise to liability under the 8th

Amendment. For example, in *Howard v. Waide*, 534 F.3d 1227, 1237 (10th Cir. 2008), the plaintiff, who had suffered prior threats and attacks at a different facility, was merely “housed in a less-restrictive area of the prison where he alleges it was easier for gang members to assault him.” *Howard v. Waide*, 534 F.3d 1227, 1237 (10th Cir. 2008). Yet, the court found that this housing decision could give rise to 8th Amendment liability. This housing decision is analogous, but made by guards who are less culpable than Patterson and Portee, who violated procedure and fraudulently transferred Mr. Wallace to place him in harm’s way.

Similarly, *Case v. Ahitow*, 301 F.3d 605, 606–07 (7th Cir. 2002) involved an inmate-on-inmate assault giving rise to 8th Amendment liability for not keeping a dangerous prisoner more closely supervised:

The assault occurred only three days after Case's release from segregation to the labor pool. He was leaving the prison dining room after breakfast by a hallway that led past the prison's print shop—where, as it happened, Jones was assigned to work without supervision despite his terrible record. As Case passed by the door to the shop, approximately 50 minutes after the beginning of Jones's working day, Jones leapt out and repeatedly hit Case with the head of a broom, inflicting injuries that include a permanent hearing loss. The broom head, like other potential weapons, was supposed to be locked away, but was not.

Case's theory is that the defendants (or some of them—we are doubtful that the plaintiff can establish the complicity of all the defendants, who include the prison's warden) were out to “get” him, and knowing that Jones if given a chance would attack him released Case from segregation so that he would pass by the print shop unescorted by guards, thus giving Jones an opportunity to attack Case and “teach him a lesson.” (A guard observed the attack and called other guards who eventually subdued Jones, though not until he had assaulted another inmate as well.) **It's as if the guards had placed a hungry lion in the print shop and opened the door as Case passed by. The case law confirms that the behavior alleged by Case satisfies the deliberate-indifference standard.** *Pavlick v. Mifflin*, 90 F.3d 205, 208 (7th Cir.1996); *Cantu v. Jones*, 293 F.3d 839, 843–45 (5th Cir.2002); *Fischl v. Armitage*, 128 F.3d 50, 56–58 (2d Cir.1997); *Street v. Corrections Corp. of America*, 102 F.3d 810, 816 (6th Cir.1996).

Case v. Ahitow, 301 F.3d 605, 606–07 (7th Cir. 2002). In *Case*, the guards were far less culpable than in the present matter. Assigning a dangerous prisoner to work with little supervision is far

less egregious than Patterson and Portee's conspiracy to violate procedure and fraudulently transfer Mr. Wallace to place him in harm's way despite knowing of the dangers of the BGF gang.

After ignoring all of the case law suggesting liability where an officer fails to protect a prisoner, the defense goes on to offer a hotly-contested and completely one-sided version of events which simply ignores the vast majority of the evidence cited in the "facts" section of this opposition. Rather than repeat all of the facts giving rise to liability, that section is incorporated herein by reference.

In brief summary, the defendant clearly had knowledge of a substantial risk of serious harm. First, the harm attendant to letting three prisoners into the cell of another prisoner is self-evident. This is why the policy was that all prisoners were to go to lunch and that all cell doors were to remain locked. *Goka v. Bobbitt*, 862 F.2d 646, 652 (7th Cir.1988) (where rationale for prison policy—preventing inmate violence—is "evident on the face" of the policy, prison official's failure to enforce the policy can support a finding of deliberate indifference)

Second, jail officials were aware of the threat to Mr. Wallace. Patterson and Portee had observed injuries to Mr. Wallace, and his mother had called multiple times to complain about gang attacks, speaking to Lt. Patterson three or four times about her son's safety. Ex. 5 (Wallace Deposition) at 70.

Third, Defendant Officer Erica Shird agreed that there are consequences for prisoners who refused to join gangs, including the possibility that, "the gangs attack them." Ex. 6 (Shird Deposition) at 88.

Fourth, Patterson knew that the JI building was safer than MDC, where Mr. Wallace was transferred. Ex. 10 Patterson Deposition at 77-80 ("The dormitory is a better setting....at one

point they changed the status to our building, the security status, because it's dormitory settings, to like minimum or medium. They were trying to alleviate all maximum security people from being in the JI Building....").

Finally, multiple officers testified about the almost total infiltration of the BGF gang into the BCDC.

Likewise, the officers acted with deliberate indifference to the prisoner's safety. As noted above, courts across the country have held that this standard is met by much less egregious conduct involving housing assignments and the opening of cell doors.

The misconduct at issue here readily meets the relevant standard. Patterson and Portee conspired to falsify documentation, violate procedures meant to protect inmates, transfer Wallace to a more dangerous facility where Rene and Shird could permit the attack, and then, finally, an officer opened the door and allowed the attack to occur. Indeed, an inmate affidavit reflects not only that correctional officers opened the door, but also that they could hear the attack occurring and did nothing to stop it.

Finally, as noted above, if a pretrial detainee's treatment is "not reasonably related to a legitimate goal" or "arbitrary or purposeless," then, such treatment "may not constitutionally be inflicted upon [the] detainee." *Bell v. Wolfish*, 441 U.S. 520, 535–39, 99 S. Ct. 1861, 1872–74, 60 L. Ed. 2d 447 (1979). This is the proper standard to be applied to Article 24 claims brought by pretrial detainees like Mr. Wallace. *Smith v. Bortner*, 193 Md. App. 534, 550, 998 A.2d 369, 378 (2010).

For the same reasons that the tougher (but incorrect) 8th Amendment standard is met here, the lesser (and correct) due process standard is easily satisfied. Fraudulently transferring

Mr. Wallace to within striking distance of his assailants and opening the cell doors to let three gang members assault him are clearly not actions “reasonably related to a legitimate goal.”

C. The Defendants Are Not Entitled to Summary Judgment on the Count I Article 26 Claim Under the Maryland Declaration of Rights.

The defense misunderstands the potential reach of Article 26 in asserting that the claim must be dismissed because it allegedly deals only with the arrest and seizure of a plaintiff. Article 26 is broader than the question of whether or not an arrest or seizure was performed with proper authority. For example, an excessive force claim can be brought under either Article 24 or Article 26. *See Smith v. Bortner*, 193 Md. App. 534, 544 (2010) (“Maryland cases have said that the standard for analyzing claims of excessive force by police officers are the same under Articles 24 and 26.”). Thus, Article 26 is not limited to the question of an officer’s authority to arrest or detain an individual, as suggested by the defense.

Even with respect to the question of “seizure,” there is significant controversy in the law, unresolved as to Articles 24 and 26 in Maryland, regarding which standard applies to a pretrial detainee. The relevant cases assume that, at some point on the path from arrestee to convicted prisoner, an individual’s treatment by the government goes from being addressed by Article 26’s prohibition of unlawful seizure to Article 24’s prohibition against the denial of due process.

Unfortunately, the point at which Article 26 protections cease is unresolved in Maryland. *See Smith v. Bortner*, 193 Md. App. 534, 543–48, 998 A.2d 369, 374–78 (2010). As such, the plaintiff asserts his Article 26 rights here.

However, the standard for an Article 26 claim in the present context is the same as the standard for an Article 24 claim. *See, e.g., Smith v. Bortner*, 193 Md. App. 534, 544 (2010); *Randall v. Peaco*, 175 Md.App. 320, 330, 927 A.2d 83 (2007); *Hines v. French*, 157 Md.App.

536, 575, 852 A.2d 1047 (2004). This is why the plaintiff pleaded a single count (Count I) for both Articles 24 and 26.

Given that the standard is the same, the Court may be inclined to simplify matters by dismissing the Article 26 claim and allowing the case to proceed on the Article 24 claim alone. The plaintiff urges that the Court allow the single count for Article 24/26 to proceed as pleaded. This is because a reviewing court might determine that either Article 24 or Article 26, but not the other, applies here. If the trial court dismisses one claim, and an appellate court determines that the dismissed claim is the one that should have gone forward, then the parties could face an unnecessary retrial. Instead, the wiser approach appears to be to allow both to go forward as one count, recognizing that the same standard applies to both under the present circumstances.

D. The Defendants are *Not* Entitled to Summary Judgement on the Claims Under Articles 16 & 25 of the Maryland Declaration of Rights.

The defense argues that the claims under Articles 16 and 25 are, in effect, 8th Amendment claims and then states that the 8th Amendment does not apply because the plaintiff is a pretrial detainee. *See* Defense Memorandum at 16.

Despite earlier arguing that the 8th Amendment standard *applies* for purposes of the Article 24 analysis, the defense now argues that the 8th Amendment *does not apply* for purposes of the Articles 16 and 25 analysis. This type of inconsistent argument is all too frequently asserted to avoid constitutional liability. As a result, plaintiffs are forced to plead every potentially applicable constitutional right.

Either the 8th Amendment standard applies to pretrial detainees (as the defense asserts at pages 4-5 of their Memorandum), or the 8th Amendment standard does not apply (as the defense asserts at page 16 of their Memorandum). The defense cannot have it both ways.

As noted in the plaintiff's analysis of Count I above, it is the lesser due process standard which *should* apply to pretrial detainees like the plaintiff.

However, if the court accepts the defendants' invitation to analyze the Article 24 claim in Count I under the 8th Amendment standard, then it is only fair that the Article 16 and 25 claims should be permitted to go forward. As the plaintiff notes, Articles 16 and 25 are "*in pari materia*" with the 8th Amendment. See Defense Memorandum at 16.

**E. The Complaint States a Claim Under
Article 40 of the Maryland Declaration of Rights.**

Mr. Wallace was a pretrial detainee and, therefore, entitled to greater constitutional protection than a convicted inmate. However, even a convicted inmate "retains those First Amendment rights that are not inconsistent with his status as prisoner or with the legitimate penological objectives of the corrections system." *Pell v. Procunier*, 417 U.S. 817, 817, 94 S. Ct. 2800, 2802, 41 L. Ed. 2d 495 (1974) (syllabus); *Pendergast v. State*, 99 Md. App. 141, 636 A.2d 18 (1994) (Article 40 of the Maryland Declaration of Rights is read *in pari materia* with First Amendment protections.). More specifically:

"It is well established that a prisoner's constitutional rights are violated if adverse action is taken against him in retaliation for the exercise of his First Amendment rights." *Pate v. Peel*, 256 F.Supp.2d 1326, 1336 (N.D.Fla.2003), citing *Farrow v. West*, 320 F.3d 1235, 1248 (11th Cir.2003); *Mitchell v. Farcass*, 112 F.3d 1483, 1490 (11th Cir.1997); *Wright v. Newsome*, 795 F.2d 964 968 (11th Cir.1986); *Adams v. James*, 784 F.2d 1077, 1080 (11th Cir.1986). Prison officials may not infringe on an inmate's First Amendment right to petition the government for a redress of his grievances with a practice that is "not reasonably related to legitimate penological objectives" or take certain actions "with the intent of chilling that First Amendment right." *Harris v. Ostrout*, 65 F.3d 912, 916 (11th Cir.1995), citing *Turner v. Safley*, 482 U.S. 78, 85–89, 107 S.Ct. 2254, 2260–61, 96 L.Ed.2d 64 (1987), and *Wildberger v. Bracknell*, 869 F.2d 1467, 1468 (11th Cir.1989); see also *Pate*, 256 F.Supp.2d at 1336. Retaliation in the prison setting may be established by demonstrating that a prison official took adverse actions against an inmate because he filed a grievance. See *Farrow*, 320 F.3d at 1248; *Pate*, 256 F.Supp.2d at 1336.

Cummings v. Harrison, 695 F. Supp. 2d 1263, 1274 (N.D. Fla. 2010).

The right to free speech includes “the right to be free from retaliation by a public official for the exercise of that right.” *Suarez Corp. Indus. v. McGraw*, 202 F.3d 676, 685 (4th Cir.2000) (citation omitted). “[B]y engaging in retaliatory acts, public officials place informal restraints on speech....” *Id.* Thus, retaliation by a public official for the exercise of a constitutional right is actionable. See *ACLU v. Wicomico County*, 999 F.2d 780, 785 (4th Cir.1993).

Mr. Wallace reported his injuries to medical staff, his attorney and in open court to the judge. See Fact Section, *supra*. Then his mother reported the injuries to Lt. Patterson, who shortly thereafter concocted fraudulent grounds to transfer him without sufficient basis or approval to a more dangerous building, where he was brutally assaulted. See *id.* Lt. Patterson stated that he was being disrespectful to officers, but could not identify any such officers, could not identify the alleged “disrespect,” and never wrote him a disciplinary ticket for it. *Id.*

From these facts, a jury could conclude that Mr. Wallace was punitively transferred for speaking up about his mistreatment. The plaintiff established that he complained personally and through his mother. Thus, there was a motive (hostility toward the plaintiff’s complaints) for the officers to punitively transfer him. The plaintiff also established that there was no legitimate purpose for the transfer. Indeed, multiple correctional officers repeatedly testified that the conflicting stories of alleged misconduct would have amounted to a disciplinary ticket and solitary confinement at worse, *not* a transfer. *Id.*

The only issue left is whether the motivation was, indeed, retaliatory. “The determination of motive, intent, or knowledge is for the jury and not to be resolved on summary judgment.” *DiGrazia v. County Executive for Montgomery County*, 288 Md. 437, 418 A.2d 1191 (1980); *Sterry v. Bethlehem Steel Corp.*, 64 Md. App. 175, 188, 494 A.2d 748, 754 (1985). Indeed,

numerous courts in a wide variety of circumstances have held that questions of motive and intent are issues for a jury to decide. *Sewell v. State*, No. 2183 SEPT. TERM 2016, 2018 WL 6228585, at *15 (Md. Ct. Spec. App. Nov. 29, 2018) (“The question of corrupt intent in a case for misconduct in office is a question for the trier of fact.”); *People v. Hardrick*, 258 Mich.App. 238, 671 N.W.2d 548, 552 (2003); *Cheek v. United States*, 498 U.S. 192, 203, 111 S.Ct. 604, 611, 112 L.Ed.2d 617 (1991) (“it goes without saying that matters of intent are for the jury to consider.”); *B.V.I. Indus., Inc. v. Microsoft Corp.*, 826 F.2d 1059 (4th Cir. 1987) (“The issue of motive or intent is usually factual and is for the jury...); *Alexia Burno-Whalen v. State of Maryland*, No. GJH-15-564, 2016 WL 1259556, at *4 (D. Md. Mar. 28, 2016) (“‘intent is a subjective element usually left for the jury’s determination.’”); *Northfield Ins. Co. v. Boxley*, 215 F. Supp. 2d 656, 662 (D. Md. 2002) (“Typically, intent is a highly fact-bound element usually left for the jury’s determination.”); *Beall v. Holloway-Johnson*, 446 Md. 48, 67, 130 A.3d 406, 417 (2016) (“Although a plaintiff is required to adduce admissible facts as to each element of a claim in order to reach the jury, it is well-established that ‘intent is a subjective element usually left for the jury’s determination’”). Thus, the question of the true intent and motivation of the correctional officers should be left to the jury, especially in light of the strong circumstantial evidence presented here.

F. Plaintiffs have Properly Stated a Longtin Claim for Unconstitutional Pattern or Practice.

Defendants next argue that there is no claim against the State for a pattern or practice of unconstitutional misconduct. They make this argument based upon the fact that the first case recognizing such a claim happened to be against a local government. See *Prince George's County v. Longtin*, 419 Md. 450, 500, 19 A.3d 859, 889 (2011) (plaintiffs’ counsel here was lead trial and appellate counsel in *Longtin*).

There is nothing from the *Longtin* decision that expressly limits a pattern and practice claim to local governments. Indeed, the language of the decision speaks in broad terms, with a goal of punishing unconstitutional practices wherever such practices may be found. *See id.* at 496, 19 A.3d at 856. There are no geographic or political limitations. *See id.* Instead, in adopting a “pattern or practice” claim, the Court held:

The State is appropriately held answerable for the acts of its officers and employees because it can avoid such misconduct by adequate training and supervision and avoid its repetition by discharging or disciplining negligent or incompetent employees.... Moreover, there is no reason why the deterrent value of holding the State answerable for an actionable assault by one of its employees is warranted but the deterrent value of holding it liable for an employee's constitutional tort is not. A pattern or practice claim is merely a more egregious subset of the actions that are prohibited by Maryland constitutional law.

Id. (emphasis added) (internal citations omitted).

The decision goes on to declare that “Maryland’s constitutional protections require more from public officials and municipalities than § 1983. . . .” *Id.* (emphasis added)

Longtin applies to “public officials” – not just “local officials,” “city officials,” or “county officials.” *See id.* The Court should not read such a limitation into the decision. Had the Court of Appeals intended to limit its decision only to municipalities, it would have done so. Instead, the inclusion of the phrase “public officials” was no mistake, and was intended to carry the scope of the *Longtin* decision to both the local and state level. *See id.*

There is additional support for this contention. In *Longtin*, the Court of Appeals found support for the pattern and practice claim, by looking to *DiPino v. Davis*, 354 Md. 18, 729 A.2d 354 (1999). *Longtin*, 419 Md. at 494, 19 A.3d at 886. *DiPino*, in turn, relied on a New York case, in which the plaintiffs had sued the State of New York for constitutional torts by its police officers. *DiPino*, 354 Md. at 52-53, 729 A.2d at 372 (quoting *Brown v. State*, 674 N.E.2d 1129,

1142-43 (N.Y. 1996)). In *Brown*, the New York Court of Appeals concluded that the plaintiffs could bring their claims against the State of New York, because the “State is appropriately held answerable for the acts of its officers and employees because it can avoid such misconduct by adequate training and supervision and avoid its repetition by discharging or disciplining negligent or incompetent employees.” 674 N.E.2d at 1142-43.

Both *DiPino* and *Longtin* reprised this language. Indeed, in *Longtin*, the Court of Appeals anchored its pattern and practice decision to the mooring provided by the *Brown* decision:

[O]ur decision to impose respondeat liability on local governments has a firm policy foundation: The State is appropriately held answerable for the acts of its officers and employees because it can avoid such misconduct by adequate training and supervision and avoid its repetition by discharging or disciplining negligent or incompetent employees. Moreover, there is no reason why the deterrent value of holding the State answerable for an actionable assault by one of its employees is warranted but the deterrent value of holding it liable for an employee's constitutional tort is not.

Longtin, 419 Md. at 494, 19 A.3d at 886. To craft some unseen and unstated limitation on a pattern and practice claim would be particularly inappropriate in light of this case history.

The defense cites an unreported federal court opinion to support the incorrect contention that the State cannot be held liable for an unlawful pattern or practice. First, there is no Maryland case cited on this point. Second, the case was unreported. So it is not controlling precedent even in federal court, let alone here. Third, none of the arguments presented above were decided by the federal court. Fourth, states have immunity from suit in federal court for all claims under the 11th Amendment, so a federal court decision is extremely unlikely to permit state liability. Indeed, the court mentioned 11th Amendment immunity in its brief ruling. *Rosa v. Bd. of Educ. of Charles Cty., Md.*, No. 8:11-CV-02873-AW, 2012 WL 3715331, (D. Md. Aug. 27, 2012).

Finally, the State claims immunity from a constitutional pattern or practice claim. The State is not immune from claims for violations of the State Constitution brought in State Court. If it were, the State Constitution would be meaningless and unenforceable. The one case cited by the defense on this point does not hold otherwise.

G. The Defense is Not Entitled to Summary Judgment on the Negligent Hiring, Retention, training and Supervision Claims of Count V.

An employer may be held liable to a third person for injuries caused by an employee under a negligent hiring, training, supervision, or retention theory if the employee posed an unreasonable risk of harm to members of the public and others, and the employer knew or should have known of such a risk. *See, e.g., Henley v. Prince George's County*, 60 Md. App. 24, 36 (1984), *rev'd in part* on other grounds, 305 Md. 320 (1986) (holding that an employer is obligated "to the public to use due care in selecting and retaining only competent and careful employees"); *Evans v. Morsell*, 284 Md. 160, 167, 395 A.2d 480, 484 (1978) (noting "the employer must make some reasonable inquiry before hiring or retaining the employee"); *Jones v. State*, 425 Md. 1, 33, 38 A.3d 333, 352 (2012) (negligent training); *Latty v. St. Joseph's Soc. of Sacred Heart, Inc.*, 198 Md. App. 254, 273, 17 A.3d 155, 165 (2011); *Cramer v. Hous. Opportunities Comm'n of Montgomery Cnty.*, 304 Md. 705, 713, 501 A.2d 35, 39 (1985); *Ruffin Hotel Corp. of Maryland v. Gasper*, 418 Md. 594, 627, 17 A.3d 676, 695 (2011); *Asphalt & Concrete Servs., Inc. v. Perry*, No. 2059 SEPT.TERM 2013, 2014 WL 5490591, at *16 (Md. Ct. Spec. App. Oct. 30, 2014).

If the officers whose misconduct is detailed above had been properly trained then what happened in this case could possibly have been avoided. Indeed, much of the officers' training prevented the BCDC from weeding out problem officers. Supervisor Major Moore had been trained (incorrectly) that "you had to basically catch the person in the act" before anything could

be done to remedy the problem and that “if it was the inmate's word against the corrections officer, [she] thought [her] hands were tied.” *See* Ex. 3 (Moore Deposition) at 17&20-21.

Major Moore’s options in addressing the problem of collusion between the guards and inmates were severely limited by government policy. She was trained that she was “not permitted to bring problems like this up to the media or to politicians or to anybody other than through [her] chain of command.” *See* Ex. 3 (Moore Deposition) at 35. Major Moore was trained by the State that if she went this route, she could lose her job. *See* Ex. 3 (Moore Deposition) at 35.

Had the officers been properly supervised, then the attack would have been impossible. Proper supervision would have meant that a supervisor would have reviewed the Transfer Form. As noted in the Facts section above, the supervisor who should have reviewed the form testified that she would have rejected the transfer and placed Mr. Wallace in segregation by himself where he would have been safe.

Proper supervision would not have allowed Officer Rene the opportunity to let the assailants out of their cell or into Mr. Wallace’s cell. The defense alleges that the cameras there did not work and there was no other supervision on the tier for Officer Rene for almost his entire shift. In a facility with all of the known problems that BCDC had, to have one officer handling an entire tier of primarily maximum security offenders alone with no supervision for such a long period of time is simply negligent. There is certainly enough evidence to go to the jury on this point.

H. The Defendants are Not Entitled to Summary Judgment on Count VI Negligence Claim.

A negligence claim requires the pleading of 1) a duty on the part of the defendant to conform to a specific standard of care, 2) a breach of that duty, 3) damage resulting from the

breach of duty, and 4) proximate causation. *Schultz v. Bank of America, N.A.*, 413 Md. 15, 27, 990 A.2d 1078, 1086 (2010).

It is well settled that, “**prison officials have a duty ... to protect prisoners from violence at the hands of other prisoners.**” *Farmer v. Brennan*, 511 U.S. 825, 833–34, 114 S. Ct. 1970, 1976–77, 128 L. Ed. 2d 811 (1994) (citing *Cortes-Quinones v. Jimenez-Nettleship*, 842 F.2d 556, 558 (CA1), *cert. denied*, 488 U.S. 823, 109 S.Ct. 68, 102 L.Ed.2d 45 (1988)). Indeed, the defense concedes that there is a “duty of reasonable care to protect prisoners from being harmed by other inmates in circumstances where the harm is reasonably foreseeable.” Defense Memorandum at 24.

This duty was breached when Rene and Shird opened the assailants’ cell doors and Mr. Wallace’s cell door to allow three inmates to assault Mr. Wallace. All inmates were required to go to lunch to avoid any risk of harm in the cells, but Rene allowed them to stay behind. The doors were required to be locked to further protect the prisoners, but the officers opened them.

It is not only reasonably foreseeable, but highly likely, that allowing three inmates into Mr. Wallace’s cell while he was there alone and the rest of the tier was empty would lead to an assault.

It is undisputed that the assault caused grievous injury to Mr. Wallace, who is permanently and catastrophically brain damaged.

Finally, the actions of the officers proximately caused the injury because if they had not freed the assailants or opened Wallace’s door, the assault could not have occurred.

Patterson and Portee also had a duty not to fraudulently manufacture insufficient grounds to transfer Mr. Wallace and not to transfer him without proper approvals. Likewise, Rene had a duty not to accept the transfer without proper approval.

Yet, all of these duties related to the transfer were breached as described in the Fact section above.

It is reasonably foreseeable that when a small, slightly built, non-violent offender is improperly transferred from a lower security setting to a higher security setting with more dangerous criminals that he is at greater risk. Moreover, there is evidence detailed above to the effect that the officers transferred Wallace specifically to put him at risk, which certainly demonstrates the foreseeability of the harm.

It is undisputed that absent the transfer, the assault could not have occurred because the assailants would not have had access to Mr. Wallace. Once again, it is undisputed, the assault caused serious injury to Mr. Wallace. Ex. 5 (Wallace Deposition) at 91-93 (Ms. Nicole Wallace detailed that on a daily basis she gets up at 5:30 to “change him [Mr. Wallace], bathe him, get him out of the bed, put him in his chair. Well, put his clothes on, then put him in a chair, feed him.” She also describes that “he wears diapers” and can no longer speak more than one syllable and is visually impaired.)

Finally, the actions of the officers in improperly transferring Mr. Wallace proximately caused the injury because if they had not transferred him, the assault could not have occurred.

As a result, there are ample grounds for the negligence claim to move forward.

I. The Defendants are *Not* Entitled to Summary Judgment On the Civil Conspiracy Claim.

“Under Maryland law, civil conspiracy is defined as the ‘combination of two or more persons by an agreement or understanding to accomplish an unlawful act or to use unlawful means to accomplish an act not in itself illegal, with the further requirement that the act or the means employed must result in damages to the plaintiff.’” *Marshall v. James B. Nutter & Co.*, 758 F.3d 537, 541 (4th Cir. 2014) (quoting *Hoffman v. Stamper*, 867 A.2d 276, 290 (Md. 2005)

(quoting *Green v. Wash. Suburban Sanitary Comm'n*, 269 A.2d 815, 824 (Md. 1970))). Civil conspiracy requires 1) a confederation of two or more persons 2) agreeing to the unlawful or tortious act to be committed in furtherance of the conspiracy, 3) and actual legal damage to occur as a result. *Von Royen v. Lacey*, 262 Md. 94, 277 A.2d 13 (1971).

In this case, the Defendants conspired with one another to violate Mr. Wallace's constitutional rights in subjecting him to an attack orchestrated by correctional officers. *Supra* pgs. 6-23. The defense simply reiterates its incorrect assertion that there are no facts to support the underlying claims. Then, the defense suggests that without any underlying claims, there can be no conspiracy either.

In response, the plaintiffs incorporate the analysis above demonstrating that there are a myriad of other viable claims. The plaintiffs further incorporate the Facts section above, which amply demonstrates the conspiracy.

J. The Defendants are *Not* Entitled to Summary Judgment on the Assault and Battery Claims.

Again, the defense merely ignores all the evidence cited above and simply states that there are no facts to suggest that Correctional Officers acted in concert with inmates "to cause Mr. Wallace to suffer apprehension of immediate battery" or to "encourage inmates [to] brutally attack[] and beat Mr. Wallace." Defense Memorandum at 29.

Not to belabor the point, but opening cell doors and allowing three inmates into another inmate's cell when he was there alone at a time when the tier was otherwise empty would clearly place any inmate in fear of eminent bodily harm. As such, there is liability for assault.

Likewise, one who transfers an inmate for the purpose of being assaulted and one who opens the door so an inmate can be assaulted is liable for the assault under a conspiracy theory.

These facts, as well as those detailed above, readily demonstrate sufficient grounds to defeat summary judgement an assault and battery claims.

K. The Defendants are *Not* Entitled to Summary Judgment on the “Malice or Gross Negligence Claims” because There are No Such Claims Asserted Here.

The defense has, throughout its summary judgment argument, misunderstood the case before this Court. The defense spends most of its memorandum arguing about the individual liability of specific officers. However, this case is not against individual officers. There are no individual defendants. Instead, the plaintiffs have named only the State and two state entities as defendants.

Likewise, the defense notes that the State maintains its immunity for claims against individual State employees acting with malice or gross negligence and moves to dismiss such claims. However, the defense fails to realize that there are no such claims. The words “malice” and “gross negligence” do not appear anywhere in the Complaint. As there are no such claims, the defense motion to dismiss them should be denied.

The defense further confuses matters by appearing to suggest that the State does not bear any liability for “knowingly wrongful conduct by State personnel” like unconstitutionally “facilitate[ing] or conspire[ing] to arrange the attack” or intentional torts like assault and battery. This is incorrect as a matter of law.

In *Lee v. Cline*, 384 Md. 245, 248–66, 863 A.2d 297, 299–310 (2004), the court made it abundantly clear that the State had waived its liability for both constitutional claims and intentional torts absent malice or gross negligence:

Section 12–104(a)(1) of the State Government Article now provides that “the immunity of the State and of its units is waived as to a tort action, in a court of the State....” Neither intentional torts (in the absence of malice), nor torts based upon constitutional violations, are excluded....The current language of the Maryland

Tort Claims Act plainly appears to cover intentional torts and constitutional torts as long as they were committed within the scope of state employment and without malice or gross negligence. There are no exceptions in the statute for intentional torts...

* * *

...with regard to torts encompassed by the Maryland Tort Claims Act, the statute generally waives sovereign or governmental immunity and substitutes the liability of the State for the liability of the state employee committing the tort.

Lee v. Cline, 384 Md. 245, 248–66, 863 A.2d 297, 299–310 (2004).

Thus, the State is liable, up to the statutory cap in the Maryland Tort Claims Act, for all of the constitutional and intentional torts at issue here. The only exception to the State's statutory liability would be a jury finding that all of the officers whose misconduct is at issue acted with malice or gross negligence. As the plaintiff has not pleaded malice or gross negligence and the defense has not asserted that any of the correctional officers acted with malice or gross negligence, this is not an issue in the case. Therefore, the motion for summary judgment on this ground should be denied.

V. **CONCLUSION**

For all of the foregoing reasons, the defendant's motion should be denied.

CONDITIONAL REQUEST FOR HEARING

To whatever extent the Court is not inclined to deny the Defendants' motion on the papers alone, Plaintiffs request a hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22rd day of January, 2019, I caused the foregoing to be mailed, postage prepaid, to Laura Mullally, Esquire, Office of the Attorney General, 300 East Joppa Rd, Suite 1000, Towson, MD 21286.

Cary Hansel /s/
Cary J. Hansel (CPF No. 9912150020)

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

NICOLE WALLACE, *et al.*

Plaintiffs,

v.

STATE OF MARYLAND, *et al.*

Defendants.

CASE No. 24-C-17-6410

INDEX OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
Exhibit 1	Deposition Transcript Excerpt of Rene Jackens
Exhibit 2	Duty Officer Check Sheet
Exhibit 3	Deposition Transcript Excerpt of Karen Moore
Exhibit 4	Deposition Transcript Excerpt of Lisa Portee
Exhibit 5	Deposition Transcript Excerpt of Nicole Wallace
Exhibit 6	Deposition Transcript Excerpt of Ericka Shird
Exhibit 7	December 2, 2014 Infirmary Report
Exhibit 8	September 9, 2014 Health Assessment
Exhibit 9	December 2, 2014 Hearing Transcript
Exhibit 10	Deposition Transcript Excerpt of Tamara Patterson
Exhibit 11	Jail Industry Building Logbook
Exhibit 12	Transfer Form
Exhibit 13	Deposition Transcript Excerpt of Betty Johnson

Exhibit 14	Affidavit of Joseph Beatty
Exhibit 15	Criminal Investigation Report
Exhibit 16	Email from Detective Allen to Detective BonVenga
Exhibit 17	Deposition Transcript Excerpt of John Gauthier
Exhibit 18	Daily Overtime Form
Exhibit 19	Confidential Affidavit
Exhibit 20	Email from Betty Johnson
Exhibit 21	Post 13 Logbook
Exhibit 22	Inmate Statement of Joseph Beatty

JACKENS RENE
WALLACE vs STATE OF MARYLAND

July 03, 2018
1-4

<p style="text-align: right;">Page 1</p> <p>1 NICOLE WALLACE, et al., * IN THE 2 Plaintiffs, * CIRCUIT COURT 3 v. * FOR 4 STATE OF MARYLAND, * BALTIMORE CITY 5 et al., * CASE NO. 6 Defendants. * 24-C-17-006410 7 * Pages 1 through 188 8 9 10 11 12 DEPOSITION OF JACKENS RENE 13 BALTIMORE, MARYLAND 14 TUESDAY, JULY 3, 2018 15 16 17 18 19 20 21 Reported by: Patricia K. Smith</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 Law Offices of Hansel Law, PC 3 For the Plaintiffs 4 2514 North Charles Street 5 Baltimore, MD 21218 6 301-461-1040 7 esutherell@hansellaw.com 8 BY: Erienne A. Sutherell, Esq. 9 10 Department of Public Safety and Correctional 11 Services 12 For the Defendants 13 300 East Joppa Road 14 Suite 1000 15 Towson, MD 21286 16 410-339-7567 17 laura.mullally@maryland.gov 18 BY: Laura Mullally, Esq. 19 20 21</p>
<p style="text-align: right;">Page 2</p> <p>1 2 3 4 5 6 July 3, 2018 7 2:12 p.m. 8 9 Deposition of Jackens Rene, held at the offices 10 of: 11 12 13 Hansel Law, PC 14 2514 North Charles Street 15 Baltimore, MD 21218 16 17 18 19 20 Pursuant to notice, before Patricia K. Smith, a 21 Notary Public of the State of Maryland.</p>	<p style="text-align: right;">Page 4</p> <p>1 C O N T E N T S 2 EXAMINATION OF JACKENS RENE BY: PAGE 3 MS. SUTHERELL 5 4 5 6 E X H I B I T S 7 EXHIBIT NUMBER DESCRIPTION PAGE 8 1 Blank Transfer of Housing Assignment 69 9 2 Central Region Matter of Record - 101 10 Information Report 11 3 Three-page handwritten log 107 12 4 Internal Investigate Division 124 13 Supplemental Report 14 5 Serious Incident Report 129 15 6 Transfer of Housing Assignment 136 16 7 Division of Pretrial Detention and 167 17 Services Matter of Record - Information 18 Report 19 20 21</p>

Page 37

1 Q. Sure. All right. So you check in
2 with the relieving officer and that's the person
3 that's leaving their shift?
4 A. Yes, ma'am.
5 Q. Okay. And you go over the roster, you
6 make sure that you have all of your inmates.
7 And you said that you do a head count. Are the
8 inmates in their cells at that time or are you
9 just kind of going around and --
10 A. No, ma'am. Everyone have to lock in
11 before their relieving officer actually relieves
12 you. So everyone's secured in the cells. And
13 then once I do my count, whatever activities
14 going on later on on my shift, then I would let
15 those people out for their activities.
16 Q. Okay. So is that considered a
17 lockdown time?
18 A. Yes, ma'am.
19 Q. All right. So the change of shift is
20 a lockdown time and everyone has to be in their
21 cells; is that right?

Page 38

1 A. Yes, ma'am.
2 Q. Okay. And you go around with the
3 other officer and you're looking in the cells to
4 make sure that who is supposed to be there is,
5 in fact, there?
6 A. Yes, ma'am.
7 Q. And describe the cells for me. How do
8 you see inside the cells? Are they open cells
9 with just bars or is it a wall and they have to
10 come out to the little window?
11 A. It's an open cell with grills. You
12 can basically see everything in the cell.
13 Q. Okay. Is there anywhere to hide in
14 the cell?
15 A. No, ma'am.
16 Q. Okay. And what all can you see in the
17 cell? If you're just standing in front of it
18 what do you observe?
19 A. Observing everything. You look for if
20 they have any contraband, any weapons laying
21 around, any type of thing that could look like a

Page 39

1 drug or, you know, anything suspicious,
2 basically. You basically observe the inmate,
3 make sure they're, you know, not hurt, if -- you
4 know, just observe for anything that's abnormal.
5 Q. Okay. In the cell itself what's
6 there? Is there a toilet and two bunk beds?
7 A. In the cells, yes.
8 Q. Okay.
9 A. A toilet and two bunk beds.
10 Q. And about how large is the cell?
11 A. I'm not good with measurement, but
12 it's big enough for two people to live in.
13 Q. Okay. And is there anything else, a
14 chair or a mattress or anything else in the cell
15 that you see?
16 A. No chair, ma'am. It's only a mattress
17 on each bunk bed with their sheets and their
18 towels that they use and washcloth, their
19 personal hygiene stuff, and also commissary.
20 That's it. That's about it.
21 Q. Now, I asked you before if there was

Page 40

1 anywhere to hide. The mattress is pretty thin,
2 isn't it?
3 A. Yes, ma'am.
4 Q. Okay. So someone can't hide
5 underneath the mattress, right?
6 A. I would see them.
7 Q. Okay.
8 A. They're very thin.
9 Q. Okay. The mattress is about three to
10 four inches thick, is that --
11 A. About that.
12 Q. About that? Okay. So you go cell to
13 cell and you're observing everything that's in
14 the cell on top of making sure that the right
15 person is in the cell and you're checking that
16 off on the roster?
17 A. Yes, ma'am.
18 Q. So when it's confirmed that everyone
19 is secured and everyone who is supposed to be
20 accounted for is accounted for, and how long
21 does that take, that whole process?

<p style="text-align: right;">Page 53</p> <p>1 a cafeteria. So they come on my tier and they 2 say it's feed up time. So me and my -- If I 3 have another officer with me, they assist them 4 and/or me or the other officers, staying at the 5 box and controlling the cells. So the feed up 6 team goes in a tier, like I conduct recreation, 7 they go like cell to cell and we pop the cells, 8 whoever want to go feed up, they come out, they 9 put their jumpsuit on and they leave the section 10 for feed up. Whoever's not going for feed up, 11 they stay inside the cell. 12 Q. Okay. So the feed up team, they 13 escort everyone over to feed up? 14 A. Once they let everyone out they have a 15 group of officers that's up front leading them 16 and they have another group of officers that's 17 behind them to make sure they go straight to 18 where they're supposed to go. 19 Q. How many officers are in each of those 20 groups, front and back? 21 A. I'm not sure. It differs every day.</p>	<p style="text-align: right;">Page 55</p> <p>1 the button to release inmates; is that right? 2 A. Yes, ma'am. 3 Q. Okay. So they get their first section 4 and they head out with them and take them to 5 feed up. What do you do? 6 A. I basically check around, make sure 7 nobody drop any contraband while they come out, 8 make sure all the cells, double check, make sure 9 all the cells are locked, and also check on the 10 other side, do security rounds on the other side 11 that's left, make sure everybody's okay, until 12 the first group come back. 13 Q. Okay. So do you then walk -- so 14 you're walking cell to cell, you said? You make 15 sure everything's locked? 16 A. Yes, ma'am. 17 Q. Okay. So you walk cell to cell and 18 make sure everyone who's supposed to be at feed 19 up is, in fact, at feed up? 20 A. Right. 21 Q. And everyone who wanted to stay back</p>
<p style="text-align: right;">Page 54</p> <p>1 Five, six, maybe. I don't know. 2 Q. And how many inmates would they escort 3 at a time? 4 A. They do each side, top and bottom. 5 Q. So let's use one of the smaller 6 sections, for example, that was a 96 inmate 7 cell. They would be taking about 48 people at a 8 time, top and bottom? 9 A. Sounds about right, yes. 10 Q. Okay. From one side? Okay. And then 11 they would come back and they would do two more 12 tiers? 13 A. After they -- after the first side and 14 they come back, they lock them in and then they 15 ready for the next side, they move the next side 16 out. 17 Q. And what's your responsibility during 18 that process? Let's say you're there by 19 yourself and you don't have another officer 20 working with you. They show up, you help them 21 out, you're at the box and you would be pushing</p>	<p style="text-align: right;">Page 56</p> <p>1 did, in fact, stay back? 2 A. Right. 3 Q. And do you keep a record or a log of 4 that? 5 A. The ones who stay I know. I know. I 6 just look on my -- on my roster. And a lot of 7 times only a few of them stay. Not many. 8 Q. Is there ever a time when everyone is 9 at feed up, everyone from that whole section? 10 A. If they have enough manpower they have 11 been sometimes. 12 Q. Okay. So if everybody's at feed up 13 what do you do? 14 A. Like I said, I still do the same 15 thing. One officer has to stay on the tier 16 because they have enough officers to conduct 17 feed up. So I just like again just check for if 18 anybody drop anything illegal, make sure 19 nobody's on the tier if I know everybody's 20 leaving, or if some one or two stay in the 21 cells, just make sure they're okay.</p>

<p style="text-align: right;">Page 65</p> <p>1 Q. Yes.</p> <p>2 A. We contact -- we know traffic is</p> <p>3 basically taking care of all that stuff. Once</p> <p>4 it's signed by traffic, then we just follow</p> <p>5 orders and transfer.</p> <p>6 Q. So the form is signed by traffic?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. A supervising officer in</p> <p>9 traffic?</p> <p>10 A. Maybe. I'm not sure.</p> <p>11 Q. Okay.</p> <p>12 A. But somebody who's in charge in</p> <p>13 traffic does the paperwork.</p> <p>14 Q. Okay. And why would an inmate get</p> <p>15 transferred?</p> <p>16 A. You say why would an inmate -- I'm</p> <p>17 sorry?</p> <p>18 Q. Why would an inmate get transferred?</p> <p>19 A. For different reasons. Sometimes, I</p> <p>20 don't know, if it's something like -- like I</p> <p>21 said earlier, if it's something for protective</p>	<p style="text-align: right;">Page 67</p> <p>1 an inmate who received a ticket or who's been</p> <p>2 into a fight and any altercation with any</p> <p>3 officers or any case may be.</p> <p>4 Q. So it's a separate section, it's not</p> <p>5 like the G Section or the F Section?</p> <p>6 A. It's a separate section designated</p> <p>7 just for that.</p> <p>8 Q. All right. Can you think of any other</p> <p>9 reasons why an inmate would get transferred?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Okay. What if an inmate is being</p> <p>12 accused of stealing from another inmate? Where</p> <p>13 would they be transferred?</p> <p>14 A. I'm not sure. I never had that.</p> <p>15 Q. If an inmate is accused of stealing</p> <p>16 from another inmate would they receive a ticket?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Okay. So if they receive a ticket</p> <p>19 they should go to lockup; is that right?</p> <p>20 A. They should.</p> <p>21 Q. Okay. But do they sometimes not go to</p>
<p style="text-align: right;">Page 66</p> <p>1 reason they're going to PC they have to transfer</p> <p>2 them and they transfer them to PC. If they</p> <p>3 receive a ticket and they have to go to lockup</p> <p>4 they have to leave that general population and</p> <p>5 transfer to lockup. So -- and -- and I'm not</p> <p>6 sure for any other reason they get transferred.</p> <p>7 Q. All right. So you said if they need</p> <p>8 to be transferred to PC, which is protective</p> <p>9 custody, right?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. So if they need to get</p> <p>12 transferred to protective custody you oversee</p> <p>13 that. What do you mean if they receive a</p> <p>14 ticket? What kind of ticket would they get?</p> <p>15 A. Any infraction with any correctional</p> <p>16 officers or if they've been into a fight we have</p> <p>17 to write them up and give them a ticket. So</p> <p>18 once they receive that ticket then they have to</p> <p>19 go to lockup.</p> <p>20 Q. And what's lockup?</p> <p>21 A. It's just a section where they house</p>	<p style="text-align: right;">Page 68</p> <p>1 lockup?</p> <p>2 A. I never had that situation, so I don't</p> <p>3 know.</p> <p>4 Q. All right. As the receiving officer,</p> <p>5 do you ever question the transfer form? Did you</p> <p>6 ever think, well, wait a second, this doesn't</p> <p>7 have the right signature on it or why are they</p> <p>8 being transferred? Did you ever come across a</p> <p>9 situation like that?</p> <p>10 A. No, ma'am.</p> <p>11 Q. No? Okay. Approximately how many</p> <p>12 transfers do you think you did as a transferring</p> <p>13 officer?</p> <p>14 A. I really can't recall that, but I've</p> <p>15 done a few.</p> <p>16 Q. Okay. When you were a transferring</p> <p>17 officer, if that was your shift for the day,</p> <p>18 what was the average number of transfers you</p> <p>19 would do in that day?</p> <p>20 A. Every day is different, but average</p> <p>21 will be maybe ten.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q. Okay. But if they were not going for 2 medical treatment that part wouldn't get filled 3 in, right? 4 A. Right. 5 Q. Okay. So then underneath that, the 6 recommended type of housing, so we have 7 protective custody, segregation, juvenile, 8 general population, would that get checked, one 9 of those? 10 A. Yes, ma'am. 11 Q. Okay. And then under that it's the 12 building supervisor's signature of review. 13 Would that get signed? 14 A. Yes, ma'am. 15 Q. All right. And shift commander 16 approval, is that supposed to be signed? 17 A. Yes, ma'am. 18 Q. And traffic office housing assignment, 19 to new location, then that section, bed, 20 mattress, dietary clear date, would some of 21 those get filled out, as well?</p>	<p style="text-align: right;">Page 75</p> <p>1 transfer officer? 2 A. A transfer officer gets order from 3 traffic officer to transport the inmate. 4 Q. Oh, I gotcha. Okay. So you as a 5 transfer officer -- 6 A. Yes, ma'am. 7 Q. Did I get it right? So you wouldn't 8 be signing this? 9 A. No, ma'am. 10 Q. The traffic officer would sign it? 11 A. Yes, ma'am. 12 Q. Okay. Gotcha. And then housing unit 13 officer verification, that is the -- let's see. 14 It says, "Signature verifies that detainee has 15 been received and assigned to appropriate 16 cell/bed as indicated above," and that's the 17 officer's signature. So if you are the officer 18 in a block that's receiving the inmate for the 19 transfer you would have to sign it there, right? 20 A. Yes, ma'am. 21 Q. All right. So is this an accurate</p>
<p style="text-align: right;">Page 74</p> <p>1 A. Yes, ma'am. 2 Q. All right. Would all of them be 3 filled out? 4 A. Sometimes not dietary plans, but -- 5 Q. Okay. So sometimes the dietary plan 6 would get left off? 7 A. Yes. 8 Q. All right. And then authorized, the 9 traffic officer's signature, so that would be -- 10 like you said before, when you were working as a 11 traffic officer that's where you would have to 12 sign it? 13 A. Yes, ma'am. 14 Q. Okay. 15 A. Not a traffic officer, a transfer 16 officer, but -- 17 Q. I'm sorry, transfer officer. 18 A. Yes. 19 Q. Thank you. Okay. It says traffic 20 officer. So I guess I was -- so what's the 21 difference between a traffic officer and a</p>	<p style="text-align: right;">Page 76</p> <p>1 depiction of the form that you would use or that 2 you've seen used? 3 A. Yes, ma'am. 4 Q. Okay. We can set that off to the side 5 now. I might have some more questions about it 6 later, but that's all for now. 7 So going back to when you're doing 8 these rounds and let's say one of those 9 transfers happens. If a transfer happens would 10 you then go through and update your roster or 11 how do you have -- how do you have a new roster 12 that's going to reflect that transferred inmate? 13 A. I would have to erase -- if the -- 14 that cell's supposed to be empty on my roster, 15 anyway, so I would add that new inmate or 16 detainee onto my new roster, just update the 17 information. 18 Q. All right. Would you just hand write 19 that in? 20 A. Yes, ma'am. 21 Q. All right. And is that the only form,</p>

<p style="text-align: right;">Page 77</p> <p>1 would you just have one copy of that form when</p> <p>2 you're transferring an inmate?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. So if you're the transferring</p> <p>5 officer are you carrying that form from the</p> <p>6 original location of the inmate to the new</p> <p>7 location of the inmate?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. And does the inmate have</p> <p>10 anything with them besides personal belongings?</p> <p>11 A. No, ma'am.</p> <p>12 Q. No?</p> <p>13 A. And are you saying paperwork?</p> <p>14 Q. Yes. Yes.</p> <p>15 A. No, ma'am.</p> <p>16 Q. No. Okay. So just his ID badge, his</p> <p>17 personal belongings go with him?</p> <p>18 A. Yes, ma'am.</p> <p>19 MS. SUTHERELL: All right.</p> <p>20 Gotcha. All right. Let's take a quick break</p> <p>21 here and we'll go off the record for a brief</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. Okay.</p> <p>2 A. And on the logbook everything that you</p> <p>3 do, you basically write everything down, all the</p> <p>4 rounds and activities.</p> <p>5 Q. So if you're doing rounds every 30</p> <p>6 minutes are you expected to log that every 30</p> <p>7 minutes?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. And what are you looking for when</p> <p>10 you're doing your rounds?</p> <p>11 A. Just looking for anything abnormal.</p> <p>12 Q. Did you ever see inmates fighting one</p> <p>13 another?</p> <p>14 A. On any of my sections?</p> <p>15 Q. Yes.</p> <p>16 A. I've had a few fights, yes.</p> <p>17 Q. And what do you do in that situation?</p> <p>18 A. I call for backup on the radio and I</p> <p>19 handle the situation, break up the fight.</p> <p>20 Q. Okay. And what if they're in the</p> <p>21 cell, fighting in the cell? Do you call for</p>
<p style="text-align: right;">Page 78</p> <p>1 recess and then we'll come back.</p> <p>2 (A brief recess was taken.)</p> <p>3 Q. (By Ms. Mullally) All right. So we</p> <p>4 are back on the record and I want to go back and</p> <p>5 briefly touch upon the duties and</p> <p>6 responsibilities as a correctional officer. So</p> <p>7 I know we've already talked quite a bit about</p> <p>8 what you did as a transfer officer and I</p> <p>9 understand the process of releasing the inmates</p> <p>10 when they're doing their activities or going to</p> <p>11 feed up. But when that isn't occurring what are</p> <p>12 you doing as a correctional officer?</p> <p>13 A. You still -- still -- sorry. Still</p> <p>14 making rounds on the tier every, supposed to be</p> <p>15 every 30 minutes, and then two random rounds</p> <p>16 periodically.</p> <p>17 Q. And do you keep track of what you're</p> <p>18 doing? Do you have to report to somebody? What</p> <p>19 do you do?</p> <p>20 A. We have a logbook for each tier.</p> <p>21 Every section has a logbook.</p>	<p style="text-align: right;">Page 80</p> <p>1 backup? Do you go into the cell? How do you</p> <p>2 handle that?</p> <p>3 A. We still call for backup. And once we</p> <p>4 have backup then we open the cells and separate</p> <p>5 them.</p> <p>6 Q. Okay. So every 30 minutes, and you're</p> <p>7 supposed to log it every 30 minutes, you're</p> <p>8 doing these rounds. And during this time if the</p> <p>9 inmates aren't at an activity they're locked in</p> <p>10 their cell; is that right?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Okay. And the only way that they have</p> <p>13 to get out of their cell is through you; is that</p> <p>14 right?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Or the correctional officer that's</p> <p>17 there on post, right?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. And as I understand it, it's</p> <p>20 from a key, you've got a key on you?</p> <p>21 A. Yes, ma'am.</p>

<p>Page 93</p> <p>1 Q. Oh.</p> <p>2 A. Like when they came back from feed up,</p> <p>3 another fight in the hallway between F</p> <p>4 Section -- F section is close to G Section. So</p> <p>5 the same -- my inmates from my section were</p> <p>6 fighting in the hallway on their way back to my</p> <p>7 section. So --</p> <p>8 Q. So that fight, was Daquan involved in</p> <p>9 it?</p> <p>10 A. He was not involved in that fight that</p> <p>11 happened in the hallway.</p> <p>12 Q. Okay. Who was involved in that fight?</p> <p>13 A. Other inmates from my section. I</p> <p>14 don't remember names or anything.</p> <p>15 Q. Okay. And how did you learn about</p> <p>16 that fight?</p> <p>17 A. Because I was right there on the tier</p> <p>18 when it happened. I called for assistance and</p> <p>19 other responding officers separated them and</p> <p>20 took them to wherever they had to take them.</p> <p>21 Q. And was that when they were on their</p>	<p>Page 95</p> <p>1 Q. And there was a fight from other</p> <p>2 inmates involving others?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And it's during that time that Daquan</p> <p>5 got assaulted upstairs?</p> <p>6 A. Yes, ma'am. From my understanding,</p> <p>7 yes.</p> <p>8 Q. Okay. And how is that your</p> <p>9 understanding?</p> <p>10 A. Because -- because like when -- when</p> <p>11 everybody on the tier came in, like all the</p> <p>12 cells were locked. Like whoever stayed --</p> <p>13 whoever didn't go for feed up, they locked in.</p> <p>14 And when everybody came back, so they stayed --</p> <p>15 basically stayed on the tier in front of their</p> <p>16 cells or, you know, waiting for us to -- the</p> <p>17 feed up crew to lock them in. So -- and then</p> <p>18 when that fight happened, then maybe another</p> <p>19 fight happened. It happened upstairs, because</p> <p>20 there was a lot of inmates, you know, it</p> <p>21 happened in -- Wallace was in the middle of --</p>
<p>Page 94</p> <p>1 way back from feed up?</p> <p>2 A. On their way back from feed up.</p> <p>3 Q. Okay. So how did Daquan get</p> <p>4 assaulted? Where did that happen?</p> <p>5 A. It happened -- because when everybody</p> <p>6 come back from feed up, we had the first group</p> <p>7 already on the tier waiting to -- to lock in, so</p> <p>8 it happened like during -- all of them were</p> <p>9 upstairs and I don't know what, you know, they</p> <p>10 communicated with or, you know, while they were</p> <p>11 fighting upstairs. So we have responding</p> <p>12 officers, all their attention was on the fight</p> <p>13 in the hallway. I don't know, it could have</p> <p>14 happened during the other group that were</p> <p>15 upstairs where Mr. Wallace then probably got</p> <p>16 assaulted upstairs like at the same time period,</p> <p>17 during that fight that happened upstairs.</p> <p>18 Q. Okay. So what I'm hearing is that</p> <p>19 there was kind of a distraction happening down</p> <p>20 in the hallway?</p> <p>21 A. Yes, ma'am.</p>	<p>Page 96</p> <p>1 in the middle -- he was housing in the middle of</p> <p>2 the tier. So we couldn't really tell if there</p> <p>3 was another fight happening upstairs because</p> <p>4 everybody was out. And once we cleared that</p> <p>5 fight we went upstairs to lock everybody in</p> <p>6 their cells and that's when we discovered Mr.</p> <p>7 Wallace was assaulted. He was assaulted by</p> <p>8 another inmate.</p> <p>9 Q. Okay. And was he outside of his cell</p> <p>10 when you found him?</p> <p>11 A. No, he was laying on his cell.</p> <p>12 Q. Okay.</p> <p>13 A. On his -- I mean, I'm sorry, on his</p> <p>14 bunk.</p> <p>15 Q. All right. On his bunk or on the</p> <p>16 floor?</p> <p>17 A. Somebody else found him. So --</p> <p>18 somebody else found him. When I got there they</p> <p>19 were already transporting him to medical, so I'm</p> <p>20 not sure if they found him on the bed or on the</p> <p>21 floor.</p>

Page 101

1 A. -- anybody could in, yes, ma'am.

2 Q. All right. Do you remember writing a

3 report or giving a statement about what

4 happened?

5 A. I wrote a report that night.

6 Q. Yes. Okay. Did you review that

7 report before you got here today?

8 A. No, ma'am.

9 Q. No? Okay. So I have a copy of it.

10 (Whereupon, Rene Deposition

11 Exhibit 2 was marked.)

12 Q. Okay. So this is your copy. All

13 right. So let's look at this together. So do

14 you recognize this document?

15 A. Yes, ma'am.

16 Q. All right. So how do you recognize

17 it? How do you know what this is?

18 A. It has my signature on it.

19 Q. All right. And at the top it says an

20 Information Report. It has your signature on

21 the bottom. Is that your handwriting in the

Page 102

1 middle there --

2 A. Yes, ma'am.

3 Q. -- in the narrative section?

4 A. Yes, ma'am.

5 Q. All right. So go ahead and read it

6 out loud for the record. Let's see what you

7 wrote. Let's see. It's dated at the bottom,

8 too, right? So there's a date next to your

9 signature and that says December 18th of 2014,

10 at 2150 p.m. Was that the date and time that

11 you wrote this report?

12 A. Yes, ma'am.

13 Q. All right. So on the day of the

14 report let's see what you have to say about it.

15 So can you read it for the record for us,

16 please?

17 A. Yes, ma'am. "On December 18th, 2014,

18 I, Officer Jackens Rene, Badge Number 747, was

19 assigned to G Section at approximately 1758

20 hundred hours."

21 Q. Does that say 1958?

Page 103

1 A. I'm sorry, yes, ma'am, 1958 hours.

2 "East bottom, east top and west top had went to

3 dining hall except for Cell Number 03, 47, 48.

4 Feed up started at approximately 1920 hours and

5 returned to section at approximately 1945 hours.

6 I, Officer Jackens Rene, went to all unsecured

7 cells and secured them. Detainee Daquan

8 Wallace, ID Number 2993245, went to dining hall.

9 At approximately 1958 hours, after all detainees

10 locked in, medical assistance was called for

11 detainee Wallace. Detainee Wallace was carried

12 to medical by several escort officers.

13 Supervisor was notified about the incident."

14 Q. Okay. So that was your statement on

15 the day of the incident just a couple of hours

16 after the incident allegedly happened. Why

17 didn't you include on there anything about this

18 fight?

19 A. The other officers, I guess, wrote

20 about the fight. Because they responded and

21 everyone who separated the fight would have to

Page 104

1 write about it. So I'm sure they have written a

2 report on that fight.

3 Q. Okay. And who were the other

4 officers?

5 A. I'm not sure.

6 Q. Did you have another officer working

7 with you in the --

8 A. G Section?

9 Q. -- G Section that day?

10 A. No.

11 Q. No. Okay.

12 A. I was by myself.

13 Q. All right. So other officers would

14 have written a report about the other fight.

15 A. Yes, ma'am.

16 Q. And why didn't you write anything

17 about seeing this crowd gathering in the middle

18 of that upper tier?

19 A. At the time of the incident there was

20 so much going on I was -- probably missed it

21 because I was -- my mind wasn't here because of

Page 106

1 that terrible incident.

2 Q. What do you remember seeing when you

3 saw him in his cell?

4 A. The officers who were the feed up

5 officers who helped him, who helped carry him to

6 medical, as he was coming out I just saw him.

7 He wasn't responding or anything. I didn't --

8 like I said, I didn't see him laying on the

9 cell, so I don't know if he was on the ground or

10 on his bunk, so --

11 Q. So wait a second. You don't remember

12 seeing him -- let me back that up. Did you

13 actually see him in his cell?

14 A. Was as he was coming out.

15 Q. You only saw him when he was coming

16 out of his cell?

17 A. Yeah, because the feed up officers who

18 were locking in the inmates, they are the ones

19 that physically saw him laying on the ground.

20 Q. They are the ones that saw him. Oh,

21 okay. Got it. So you went around and checked

Page 106

1 to make sure that, let's say specifically

2 Daquan's cell, and that was -- was it cell

3 number 56? Nope, cell number 35. So you

4 specifically saw cell number 35 was empty when

5 everybody went to feed up?

6 A. Everybody was out -- were out except

7 for the cell numbers that I stated here because

8 they are usually the ones not eating because

9 they have commissary, they don't go out. So

10 everybody else went out.

11 Q. Okay. And you remember that those are

12 the cells that normally have commissary instead

13 of going out?

14 A. They usually eat from the cells and

15 make their commissary -- I mean, eat food from

16 the commissary, so they don't normally come out.

17 Q. And who was in those cells?

18 A. I don't know. I would have to have a

19 roster. I don't remember any names or --

20 MS. SUTHERELL: All right. Can I

21 please have this marked as number 3?

Page 107

1 (Whereupon, Rene Deposition

2 Exhibit 3 was marked.)

3 Q. (By Ms. Sutherell) Okay. So show you

4 what's been marked as Exhibit Number 3 here.

5 Everybody's got a copy. All right. What are we

6 looking at here?

7 A. That's the copy of the logbook.

8 Q. All right. So this is what we talked

9 about earlier, you said you have to log your

10 rounds?

11 A. Yes, ma'am.

12 Q. Okay. And I see where your shift

13 starts and it's halfway down that first page.

14 Officer J. Rene, B shift, does that refer to the

15 three to eleven, is that what B shift is?

16 A. Three to eleven, yes, ma'am.

17 Q. Okay. And it's dated 12/18/14, so

18 December 18th of 2014. And before we get to

19 everything that you have filled in there, right

20 above that it looks like there are logs from

21 other officers, right?

Page 108

1 A. Yes, ma'am.

2 Q. I see a log at 1011 hours, then one at

3 1012, then one at 1300, then one at 1220. Now,

4 would this be the only log for the G Section or

5 would there be another log somewhere else?

6 A. That's the only log, only one book for

7 all three shifts.

8 Q. Okay. So it seems to be missing a lot

9 of entries, doesn't it?

10 A. I'm not seeing that.

11 Q. Well, yours, let's take a look down at

12 yours. So we have a lot of detail in yours.

13 Looks like you wrote quite a bit for that day.

14 1530, 1600, 1605, 1608, 1630, 1700, 1730, 1732,

15 1735. So let's look back up again. So we're at

16 the very top of the page, the first left-hand

17 margin note, that's 1011, then 1012, then we

18 jump from 1012 to 1300, then from 1300 we jump

19 to 1220, then we jump to 1300, then we jump to

20 1400. So based upon what you've detailed, it

21 would appear as though there's a lot that's

<p style="text-align: right;">Page 109</p> <p>1 missing. Would you agree with me there?</p> <p>2 A. Yes, ma'am, that's another shift, so I</p> <p>3 don't know. That's not my shift and I can't</p> <p>4 comment on that.</p> <p>5 Q. Sure. So were they doing it the wrong</p> <p>6 way?</p> <p>7 A. If that's what they did and that's</p> <p>8 what they wrote down and I pretty much wrote</p> <p>9 down everything that I did on my post.</p> <p>10 Q. Right. And you're trained to write</p> <p>11 down everything that you do on your post?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Okay. So if we were to look at your</p> <p>14 post log from, let's say, another shift from a</p> <p>15 different section, would it look similar to what</p> <p>16 you've written here?</p> <p>17 A. Yes. Yes, ma'am.</p> <p>18 Q. Okay. For any given day of any of</p> <p>19 your shifts?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Is that correct? All right. And if</p>	<p style="text-align: right;">Page 111</p> <p>1 hours everybody on the west bottom section went</p> <p>2 to feed up?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. All right. At 1920 hours, that's your</p> <p>5 next entry, "Section west to P, east bottom and</p> <p>6 top to dining hall." Okay. So let's see. Is</p> <p>7 that -- so east bottom, east top -- oh, I'm</p> <p>8 sorry, it's section west top.</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. I said that incorrectly. "Section</p> <p>11 west top, east bottom and top to dining hall."</p> <p>12 So that's at 1920 hours. So at that point in</p> <p>13 time does that mean that all four sections had</p> <p>14 been cleared and gone to the dining hall?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. All right. And then right below that</p> <p>17 at 1934 hours "Security round conducted and all</p> <p>18 appear safe and sound," is that what --</p> <p>19 A. Safe and secure.</p> <p>20 Q. Safe and secure, thank you. And that</p> <p>21 means that you had gone around to each of the</p>
<p style="text-align: right;">Page 110</p> <p>1 other people were following the way that you</p> <p>2 were trained and if they were doing what you</p> <p>3 were trained to do they would be writing with as</p> <p>4 much detail as you; is that correct?</p> <p>5 A. Yes, ma'am. Basically every round</p> <p>6 that we make we're supposed to document it.</p> <p>7 Every activities we're supposed to document it.</p> <p>8 That's what I did and that's what we were</p> <p>9 trained to.</p> <p>10 Q. All right. So I'm going to compare</p> <p>11 some times here. So it says in Exhibit Number 2</p> <p>12 in your narrative that you write for us "Feed up</p> <p>13 started at approximately 1920 hours and returned</p> <p>14 to section at approximately 1945 hours." So I</p> <p>15 want to look. Let's see. On Exhibit Number 3</p> <p>16 at the very bottom of the first page, 1900 hours</p> <p>17 you say, "West bottom fed on section. Fed all</p> <p>18 22 detainees," 1900 hours. Does that mean that</p> <p>19 they went to feed up?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Okay. Great. All right. So at 1900</p>	<p style="text-align: right;">Page 112</p> <p>1 cells --</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. -- like we talked about before, you</p> <p>4 had made sure that the people that were supposed</p> <p>5 to be there were there and the people that were</p> <p>6 not supposed to be there weren't there?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And let's be specific about Daquan's</p> <p>9 cell, cell number 35 was indeed empty?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Is that right?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And we can confirm that because 1934</p> <p>14 says on your note that it was empty. Now, 1945</p> <p>15 you say "Section is" something "from dining hall</p> <p>16 to housing unit"?</p> <p>17 A. They en route. That's what it means,</p> <p>18 10-76.</p> <p>19 Q. 10-76, en route. All right. So at</p> <p>20 1945 everyone is en route back to housing from</p> <p>21 the dining hall. And at 1948 "Assistance was</p>

<p style="text-align: right;">Page 121</p> <p>1 down also everything that happened, like every 2 code, every call. So we -- just to verify the 3 time that the code was called with main control, 4 also. 5 Q. Now, did you call for medical 6 assistance? 7 A. I can't recall if I was the one call 8 it, but there was many officers on that tier as 9 far as the feed up team who were locking the 10 inmates, and I'm not sure if it was me or 11 somebody else, but medical assistance was 12 immediately called when they found him. 13 Q. All right. So the rest of these 14 entries, do you think you went back and kind of 15 filled it in or were you writing this as it was 16 happening? 17 A. For what time? 18 Q. So let's look at the 1958 and then the 19 2009, then the 2010, within that short time 20 frame. 21 A. Like I said, that book is right there</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. And that was an Investigative Unit 2 within the facility? 3 A. Not within the facility. 4 Q. Okay. And do you remember what you 5 explained to the investigators that you spoke 6 with on that day? 7 A. I just told them what happened on that 8 day. 9 Q. And did you tell them basically what 10 you have explained to us here? 11 A. Yes, ma'am. 12 Q. Did you ever talk to anybody else 13 about the incident, any other correctional 14 officers? 15 A. No, ma'am. 16 Q. No? What about any of your 17 supervisors? 18 A. After that night they knew what 19 happened, they asked me what happened, and after 20 that I never spoke to anyone. 21 Q. What about Major Karen Moore?</p>
<p style="text-align: right;">Page 122</p> <p>1 in my pocket, so anything I do, I just pull it 2 out and just write down. 3 Q. And that book, you're referring to 4 that little cheat sheet book? 5 A. The little notepad. 6 Q. Okay. And what do you do with that 7 little notepad, where does that go? 8 A. I just keep it when it's filled up 9 and, I don't know, put it somewhere and then it 10 got lost, maybe, somewhere. 11 Q. Do you have to turn it in to anybody? 12 A. No, ma'am. 13 Q. No. Okay. You just use that as like 14 a transfer, you take all that information and 15 you just transfer it in? 16 A. Yes, ma'am. 17 Q. Okay. Do you remember being 18 interviewed by anybody in this case? 19 A. That same night I was interviewed by 20 IU, something called Invest -- Invest -- 21 Investigative Unit, sorry.</p>	<p style="text-align: right;">Page 124</p> <p>1 A. She was the building supervisor that 2 day. I spoke to her about the incident that 3 same day before I was interviewed. 4 Q. And what did you two talk about? 5 A. What happened, the same thing I told 6 the investigators. 7 Q. Okay. And what did she say to you? 8 A. She has to take a report so she 9 basically get what I have to say and write her 10 report. 11 Q. Okay. So she spoke with you and based 12 upon speaking with you she then wrote a report; 13 is that correct? 14 A. Yes, ma'am. 15 MS. SUTHERELL: Okay. So may I 16 please have that marked as Number 4? 17 (Whereupon, Rene Deposition 18 Exhibit 4 was marked.) 19 Q. (By Ms. Sutherell) So I'm going to 20 show you what I've had marked as Exhibit Number 21 4. And I want you to turn to page 4. It says</p>

Page 125

1 page 4 of 9 at the top. It's actually the third
2 page here in this packet. All right. The third
3 paragraph down. And it states that the
4 detective interviewed Wallace's cell mate,
5 detainee Joseph Beatty, and that his cell mate
6 said that he himself, the cell mate, went to
7 feed up, but that at that time Wallace was still
8 in bed and Beatty thought that Wallace was
9 sleeping and that he gets back from feed up and
10 Wallace is still in bed. When he tried to wake
11 him up he notices that he's unconscious. So
12 that differs substantially from what we've heard
13 from you so far, right?
14 A. Yes, ma'am.
15 Q. Okay. So why do you think that is?
16 A. I have no idea. But I know for sure
17 he was not in the cell.
18 Q. He wasn't in his bed?
19 A. No.
20 Q. He wasn't sleeping?
21 A. He went to feed up. As far as I know,

Page 126

1 he went to feed up that day.
2 Q. Okay. Is it possible that you could
3 be mistaken about that?
4 A. No, ma'am.
5 Q. No? Okay. So this report also --
6 let's go to page 3 of 9, the page just before
7 that. So you talked to Major Moore, right? How
8 soon after the incident did you talk to Major
9 Moore?
10 A. I'm not sure. I can't recall. But it
11 was that night.
12 Q. Okay.
13 A. The same night.
14 Q. Was it almost immediately following
15 the incident?
16 A. Could have been. I'm not sure.
17 Q. All right. So let's look at that
18 first paragraph there under where it says
19 "Action Taken."
20 A. Okay.
21 Q. All right. So your report says that

Page 127

1 medical assistance was called at 1958 hours. So
2 this says, "On December 18th, 2014, at
3 approximately 2031 hours," so can we agree that
4 that would be nearly 33 minutes after medical
5 assistance is called?
6 A. It's possible.
7 Q. Do I have that right? 2031 hours -- I
8 hate military time, I'm terrible at it, so 2031
9 hours is about 33 minutes later than 1958 hours;
10 is that right?
11 A. Yes, ma'am.
12 Q. Okay. So this is saying that Major
13 Karen Moore contacted the Internal Investigative
14 Division's duty officer to report the assault.
15 She says that at approximately 1932 hours
16 detainee Daquan Wallace was found unresponsive
17 in his cell. Okay. So now we've got 1932
18 hours. Would you agree with me that that would
19 have been when all of the cells were at feed up?
20 A. I would have to look at my log.
21 Q. Let's go back to your log. Yeah.

Page 128

1 A. Because everything is written. I
2 don't remember any dates off the top of my head.
3 Q. Sure. Of course. It's been a while.
4 So let's go to Exhibit 3 and let's go to that
5 second page. And the very first line says 1920.
6 And it says, "Section west top, east bottom and
7 top en route to dining hall." And that's at
8 1920. And at 1934 you noted that "Security
9 round was conducted. All appear safe and
10 secure." And during that time frame you're
11 saying Daquan Wallace was not in his cell; is
12 that right?
13 A. Yes, ma'am.
14 Q. Okay. So this report is saying that
15 Major Moore is reporting that at 1932 hours,
16 during that time period in which you're saying
17 he absolutely wasn't there, that that's when he
18 was found. He's found unresponsive in his cell.
19 All right. And then let's go down a
20 little bit further and now we're at the third
21 paragraph. And that third paragraph says, four

Page 145

1 you're saying is correct?

2 A. My logbook is correct because all the

3 information I wrote on my notepad is basically

4 being copied and pasted on the notepad (sic).

5 That piece of information that I probably forgot

6 to write on the note -- on the logbook and I

7 didn't write it on there. But everything I've

8 written on my notepad, as you can see, I wrote

9 everything that happened and the time it

10 happened. And I do that for every post that I

11 work.

12 Q. So that really important piece of

13 information about the fact that there were three

14 cells that still had inmates in them when

15 everybody else went to feed up, that really

16 vital piece of information, that just didn't

17 make it onto your logbook, but everything else

18 is 100 percent accurate and 100 percent correct?

19 A. Everything I wrote is correct.

20 Q. Okay. So let's talk about a

21 hypothetical. Let's say that Daquan didn't go

Page 146

1 to feed up. Let's say that he was still in his

2 cell. How would those inmates from cells 3, 47

3 and 48, if they wanted to, if they wanted to get

4 to Daquan, how would they have gotten to him?

5 MS. MULLALLY: Objection. You're

6 asking him a hypothetical question and he's not

7 an expert.

8 MS. SUTHERELL: You can answer.

9 A. I don't know.

10 Q. (By Ms. Mullally) Well, they don't

11 have keys, do they?

12 A. Well, the only way they would come out

13 if I let them out.

14 Q. So you would have had to have released

15 them from their cells?

16 A. To leave out the cells, yes.

17 MS. MULLALLY: Can I have a

18 continuing objection to any hypothetical --

19 MS. SUTHERELL: Of course.

20 MS. MULLALLY: -- questions?

21 Q. (By Ms. Sutherell) So you would have

Page 147

1 had to release them from their cells. And you

2 would have had to have unlocked Daquan's cell?

3 A. Yes, ma'am.

4 Q. Okay. Were you familiar with the

5 involvement of the Black Gorilla Family Gang in

6 the detention center?

7 A. I've overheard there's a lot of gang

8 affiliated, but I don't know who's who.

9 Q. And what did you overhear?

10 A. There's a lot of Black Gorilla Family

11 in the jail that I was working at.

12 Q. Were you ever briefed on any

13 information about the Black Gorilla Family Gang?

14 A. No.

15 Q. No. No one ever had a discussion with

16 you about any of the criminal activity that was

17 taking place inside the detention center?

18 A. No.

19 Q. Did you ever read news reports about

20 it?

21 A. I've read -- I've seen some on the

Page 148

1 news about Black Gorilla Family within the jail.

2 Q. Okay. And was that before or after

3 you were working there?

4 A. After, because I never knew anything

5 about Baltimore before I started correction.

6 Q. All right. So while you were working

7 there what did you know about the involvement of

8 the gang within the facility?

9 A. I just heard on -- about the big

10 indictment that happened that same year, earlier

11 that same year, and I researched some things

12 about it. That's the only way I knew. But I

13 never really talked to anybody about it.

14 Q. What did you research about it?

15 A. Just type it up, the incident that

16 happened in the facility, and basically it tells

17 you everything that happened during that

18 indictment.

19 Q. And did you ever talk to other

20 correctional officers about it?

21 A. No.

Page 149

1 Q. Did you ever suspect other
2 correctional officers of being involved with the
3 gang?
4 A. No.
5 Q. Not a single one?
6 A. No.
7 Q. You didn't have any suspicions about
8 any of your co-workers?
9 A. No.
10 Q. What about non-correctional officers,
11 but more administrative personnel?
12 A. No.
13 Q. No? Did you ever learn about any of
14 them being involved with the gang?
15 A. No.
16 Q. And you never talked to them about the
17 possibility of someone else being involved with
18 the gang?
19 A. No.
20 Q. Did you ever talk to any of the
21 inmates about the gang?

Page 150

1 A. No.
2 Q. Would you be surprised that an inmate
3 alleges that Officer Shird or Sheraton, as it
4 was misstated or mispronounced, was somehow
5 affiliated with the gang?
6 A. I knew nothing about that. Nothing.
7 Q. Did you work closely with Officer
8 Shird?
9 A. No.
10 Q. Did you only see her in passing?
11 A. I'm sorry?
12 Q. Did you only see her in passing?
13 A. Yes, ma'am.
14 Q. In the changing of shifts?
15 A. Yes, ma'am.
16 Q. Did you ever have trainings with her?
17 A. I believe one time, yeah.
18 Q. Okay. And what kind of training was
19 that?
20 A. When I was training when I first got
21 to the jail. They assigned us to -- I believe

Page 151

1 she was an FTO. FTO is a training officer. So
2 I trained with different FTOs.
3 Q. So she was actually a training
4 officer --
5 A. Yes, ma'am.
6 Q. -- and trained you? Okay. Now, what
7 would you say about a report from someone saying
8 that a correctional officer allowed the assault
9 to occur?
10 MS. MULLALLY: Objection. Again
11 you're asking a hypothetical question and I
12 would like a continuing objection to any
13 hypotheticals. You may answer.
14 A. I would be surprised. I would not
15 think anyone would do such things. I don't
16 know.
17 Q. (By Ms. Sutherland) Even after you
18 learned about the officers' involvement with the
19 gang from the federal indictments?
20 A. Well, I mean, anything is possible,
21 but as far as my knowledge, I don't know any --

Page 152

1 anybody who were involved or any officer or
2 officers who were involved in the gang, members
3 or anything like that, who would allow that to
4 happen.
5 Q. Did you ever hear about people being
6 threatened by the gang?
7 A. No.
8 Q. So going back to the layout of G
9 Section, kind of lighten the mood a little bit
10 more. That was the hard stuff, right?
11 So the G Section we have these four
12 different tiers and inmates go directly from
13 their cell to -- it sounds like there's somewhat
14 of like an open area before like a doorway that
15 goes to the recreation room; is that correct?
16 A. Yes, ma'am.
17 Q. And a doorway that goes to the hallway
18 that leads to feed up; is that right?
19 A. Yes, ma'am.
20 Q. Okay. And there are garbage cans
21 located within G Section; is that also correct?

<p style="text-align: right;">Page 169</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. All right. Do you remember the</p> <p>3 tradeoff between Sergeant Scipio and yourself</p> <p>4 with Daquan Wallace on that day?</p> <p>5 A. I didn't remember until now I read the</p> <p>6 report that he was the transporting officer, but</p> <p>7 off the top of my head I don't remember anything</p> <p>8 of that transaction.</p> <p>9 Q. Okay. Now, we're going to go back to</p> <p>10 a hypothetical, so I understand your counsel</p> <p>11 has --</p> <p>12 MS. MULLALLY: An objection.</p> <p>13 Q. (By Ms. Sutherell) -- a standing</p> <p>14 objection, but let's say that Daquan was in his</p> <p>15 cell at 1932 hours, right, like some of those</p> <p>16 reports say. Let's say he was unresponsive in</p> <p>17 his cell. You would have been able to see him,</p> <p>18 right?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Right. And we talked before about how</p> <p>21 there's nowhere to hide, so he would have been</p>	<p style="text-align: right;">Page 171</p> <p>1 the day of the incident, the feed up team, the</p> <p>2 group of officers that are in the front and in</p> <p>3 the back, approximately how many officers does</p> <p>4 that include?</p> <p>5 A. It differs every day, depends on the</p> <p>6 day. I would say approximately five, six</p> <p>7 sometimes that runs it.</p> <p>8 Q. Five in the front, five in the back,</p> <p>9 or five, six total?</p> <p>10 A. About five, six total sometimes. It</p> <p>11 could be more. Like I say, it depends on the</p> <p>12 day.</p> <p>13 Q. Okay. So on the day of the incident</p> <p>14 when the inmates were up on that top tier and</p> <p>15 you said they had kind of gathered around in a</p> <p>16 group up there towards the center of the tier --</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. -- were there any officers up there</p> <p>19 with them?</p> <p>20 A. No, ma'am.</p> <p>21 Q. No. They were all down dealing with</p>
<p style="text-align: right;">Page 170</p> <p>1 right there in broad daylight in front of you in</p> <p>2 his cell, right?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. And you would have been able to</p> <p>5 tell that he was lying there on his bunk, right?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Okay. And I asked you before, well,</p> <p>8 how do you know if someone's sleeping or, you</p> <p>9 know, how do you know that they're actually</p> <p>10 okay, and you said you can tell if they're</p> <p>11 breathing or if they are -- so you would have</p> <p>12 been able to see whether or not he was in poor</p> <p>13 medical condition from your vantage point</p> <p>14 outside of his cell; isn't that right?</p> <p>15 A. Yes, ma'am.</p> <p>16 MS. SUTHERELL: Okay. I'm just</p> <p>17 going to take a couple of minutes to go through</p> <p>18 my notes. Let's take a quick break.</p> <p>19 (A brief recess was taken.)</p> <p>20 Q. (By Ms. Sutherell) All right. Just a</p> <p>21 few quick follow-up questions. So going back to</p>	<p style="text-align: right;">Page 172</p> <p>1 the disturbance that was going on?</p> <p>2 A. Dealing with the fight, yes, ma'am.</p> <p>3 Q. And was that unusual, for all officers</p> <p>4 to go to one location and leave everyone</p> <p>5 unattended?</p> <p>6 A. Well, I was -- I was on the section.</p> <p>7 I didn't go to that fight because I had people</p> <p>8 walking out -- walking around everywhere and</p> <p>9 just trying to go back into their cells, so when</p> <p>10 the other officers responded to that fight I</p> <p>11 stayed on the section just to make sure, you</p> <p>12 know, no other fights were going on.</p> <p>13 Q. Okay. And what did you hear while you</p> <p>14 were staying in the section to make sure no</p> <p>15 other fights were going on?</p> <p>16 A. It was so loud, like you have a whole</p> <p>17 bunch of inmates out, I couldn't hear. A whole</p> <p>18 bunch of noises, just talking.</p> <p>19 Q. Did you hear anybody yelling?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Did you hear any blunt force sounds,</p>

DPSCS IID

Duty Officer Check Sheet

Page 1 of 1

Date: 12/18/14 Time: 2031 hours Institution: BCDC
 Called (full name): Major Karen MOORE Phone: 410 209 4309
 Incident Date: 12/18/14 Time: 1932 hours

Narrative:

On 12/18/14, at 2031 hours, Major Karen Moore reported that Inmate Wallace had been found unresponsive in his cell with severe head injuries. According to cellmate Beatty he went to chow and upon returning found Inmate Wallace unresponsive and notified Sergeant George Almiroudis. Inmate Wallace was transported 911 to John Hopkins Hospital, Critical Care. The inmate's cell has been sealed and the cellmate separated from other inmate population. Lieutenant Morrow and Detective Bonvegna were both notified.

Related Report Number (SIR, UOF, etc.): 14-397

SUSPECT: (full name): Unknown ☐ Inmate ☐ Employee
☐ Visitor ☐ Other
 Sex: ☐ MALE ☐ Female DOB: ☐ AA ☐ W ☐ O Ht./Wt.:

Inmate DOC #: Shift:

VICTIM: (full name): Inmate Daquan WALLACE ☒ Inmate ☐ Employee
☐ Visitor ☐ Other
 Sex: ☒ MALE ☐ Female DOB: 8/22/1994 ☒ AA ☐ W ☐ O Ht./Wt.: 5'10", 130

Inmate DOC #: 2993245 Shift: N/A

WITNESS: (full name): Inmate Joseph BEATTY ☒ Inmate ☐ Employee
☐ Visitor ☐ Other
 Sex: ☒ Male ☐ Female DOB: 6/29/1991 ☒ AA ☐ W ☐ O Ht./Wt.: 5'10", 145

Inmate DOC #: 4152018 Shift: N/A

WITNESS (full name): Sergeant George ALMIROUDIS ☐ Inmate ☒ Employee
☐ Visitor ☐ Other
 Sex: ☒ Male ☐ Female DOB: 7/19/1973 ☐ AA ☒ W ☐ O Ht./Wt.: Unknown

Inmate DOC #: N/A Shift: 1500/2300

Region: Central XXXXXXXX South: North:

14-35- 0 1 366 Code: 4 Code Description: Assault

I ☒ F ☐ A ☐ C ☒ IR ☐ COBR ☐ LEOBR ☐ PREA ☐

DNA EVIDENCE QUALIFYING CASE: YES ☐ NO ☐ UNKNOWN ☒

Assigned Detective: Detective D. Bonvegna 12/19/14 CCIU ☐

Duty Officer's Name: D/Sergeant R. Fagan Date: 12/18/14

EXHIBIT

2



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Transcript of Karen Moore

Date: December 5, 2018

Case: Wallace, et al. -v- State of Maryland, et al.

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Transcript of Karen Moore
Conducted on December 5, 2018

5 (17 to 20)

17
1 **But you had to basically catch the**
2 **person in the act and have something of proof**
3 **before you could do anything with them.**
4 Q. Okay. But the allegations you became
5 aware of from inmates as early as 2011?
6 A. Yes, sir.
7 Q. And those were allegations that there
8 were guards at BCDC who were doing the bidding of
9 gang members. Is that right?
10 A. **I don't understand what you mean doing**
11 **the bidding.**
12 Q. Well, doing things that gang members
13 would ask them to do?
14 A. Yes, sir.
15 Q. All right. When you first became aware
16 of that, how did you become aware of it? You
17 mentioned inmates talking about it. Was it
18 inmates who said it to you?
19 A. Not every incident. Each incident is
20 different. If it was something I observed, I
21 would put disciplinary action. The warden would
22 follow up. We would do our best to try to get

18
1 the person out there that way.
2 MR. HANSEL: Okay.
3 A. Sometimes we weren't able to catch the
4 person in the act because you didn't know who was
5 actually involved, who was looking out, who was
6 doing what.
7 The easiest way for us to get rid of the
8 person was basically most of the staff would come
9 in late or didn't show up for work. So that was
10 one of our ways of weaning those people out.
11 Q. Okay. So if you suspected somebody that
12 was a corrections officer who was working with
13 gangs on the inside, one of the best ways to get
14 rid of them was to fire them for being late and
15 that kind of thing. Is that what you are telling
16 me?
17 A. Yes, sir. Follow progressive
18 disciplinary measures. And sometimes we would
19 move them to different facilities if we had an
20 inkling. Or if it wasn't much we could do, we
21 would move them from out of the situation and
22 send them to a nearby facility.

19
1 Q. And what kind of -- I understand that if
2 you observed it directly, that you acted?
3 A. Yes.
4 Q. I'm interested first in the other
5 situations where it sounds like were you trying
6 to make a difference by using all the tools at
7 your disposal. And sometimes you had -- you
8 called it an inkling.
9 But sometimes you had an inkling or idea
10 or a thought that a guard was working with gangs
11 at BCDC. How did you get those inklings or
12 thoughts or ideas? I'm not talking about things
13 that you observed personally, but the ones that
14 are in that other category.
15 How did the information come to you?
16 How did your suspicions get triggered?
17 A. Sometimes I might get a group of
18 officers together to search areas of the facility
19 on the tiers. And sometimes if we find cell
20 phones or move different items that was
21 considered contraband, the offenders would say so
22 and so brought it and she right here.

20
1 So that was -- that was his word against
2 hers. But that was one of the ways that they
3 would just come out and tell, or they would come
4 to the office and ask to speak with me and tell
5 me something like that, or ask to speak to an
6 investigator.
7 Q. And when it was just the inmate's word
8 against the guards -- I'm sorry -- against the
9 corrections officer, your understanding was there
10 really wasn't anything you could do. Is that
11 right?
12 A. It was certain things I did like, I
13 would put them on a post that had no inmate
14 contact.
15 Q. Okay. But in terms of discipline, I
16 understand you could potentially reassign the
17 corrections officer?
18 A. Yes.
19 Q. But in terms of discipline, if it was
20 the inmate's word against the corrections
21 officer, you thought your hands were tied. Is
22 that right?

Transcript of Karen Moore
Conducted on December 5, 2018

6 (21 to 24)

21
1 **A. Yes. I could only take it to the**
2 **warden. The discipline wouldn't come directly**
3 **from me. I could write it up. It was their**
4 **decision whether to follow up on it or to take**
5 **action.**
6 Q. All right. Did the warden ever make any
7 communications with you about whether or not
8 anything could be done when it's just the
9 inmate's word against the corrections officer?
10 Did the warden really say one way or the other:
11 There is really nothing we could do?
12 **A. Never. He always reacted. Whatever the**
13 **offender said, he always put in an investigation,**
14 **sometimes coming from out the facility to a**
15 **regional area.**
16 Q. But it was your experience that when it
17 was the inmate's word versus the corrections
18 officer, with no other evidence, that no
19 disciplinary action ever happened. Is that
20 right?
21 **A. No. A lot of offenders -- officers were**
22 **indicted on some of the offenders who gave**

22
1 **information, because that was how if the**
2 **investigation -- investigator came in and they**
3 **reviewed cameras or footage, or whatever tools**
4 **they used, that was how they were able to fire or**
5 **discipline the officer.**
6 Q. Was the camera coverage pretty good at
7 the facility?
8 **A. When they first started, it was a work**
9 **in progress. Because at first, I was doing day**
10 **shift. You can see a lot of things on day shift.**
11 **But in the evening sometimes, because of the**
12 **lighting, it wasn't as clear as it would be on**
13 **the day shift.**
14 Q. Okay. My understanding is sometime in
15 2013, there was some work done. I think I have
16 seen a contract, it was a pretty big contract,
17 maybe a quarter million dollars roughly, I'm
18 giving you a rough number, where the work was
19 done.
20 After that, was there good camera
21 coverage of the whole facility?
22 **A. Yes, the hallways and down the tiers.**

23
1 Q. Were there any tiers -- let's say after
2 the 2013 contract. So let's talk about 2014.
3 For instance, were there any tiers or hallways
4 without cameras going down them?
5 **A. I can't really give you a definite**
6 **answer. Because it didn't just start and stop.**
7 **It was a progress. They were making -- the**
8 **building was. Old there was a lot of wiring and**
9 **things they had -- I can't give you a definite**
10 **answer, because I can't remember back that far.**
11 **If there were some, I wasn't aware of**
12 **them.**
13 Q. In other words, if there were areas that
14 didn't have camera coverage, you weren't aware of
15 it?
16 **A. Yes. Because when they first initially**
17 **put it up, supervisors only had certain areas**
18 **that they could review. Investigators had --**
19 **they had more authority over the cameras.**
20 Q. Okay. All right. And I take it there
21 was a time when you worked the G section. Is
22 that right?

24
1 **A. I never worked a section, sir.**
2 Q. What sections were you responsible for?
3 **A. I wasn't a correction signal officer. I**
4 **was always a supervisor when I was at Baltimore**
5 **City Detention Center.**
6 Q. Maybe I'm misusing the terminology. Did
7 you ever supervise G section or have anything to
8 do with G section?
9 **A. I was a shift commander --**
10 **MR. HANSEL: Okay.**
11 **A. -- over the building.**
12 Q. So you were a shift commander over the
13 whole building. That included G section. Is
14 that right?
15 **A. And also three different buildings, the**
16 **Women's Detention Center, the Jail Industry**
17 **Building and Baltimore City Detention Center, as**
18 **well as the annex building where the juveniles**
19 **were held.**
20 Q. And when you got there in 2011, and you
21 first learned of officers who cooperated with the
22 gangs, was the primary gang that was working with

Transcript of Karen Moore
Conducted on December 5, 2018

7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 the officers a gang called the BGF or Black 2 Gorilla Family? 3 A. I started there in 2010 and it wasn't 4 relevant, because they had more than just one 5 gang at Baltimore City Detention Center. But it 6 was more BGF. So I would say they were mainly -- 7 they were more BGF than it was other gangs that 8 were in the facility. 9 Q. Did any inmates ever in that time 10 period, 2011, maybe 2012, did any inmates ever 11 allege, to your knowledge, that corrections 12 officers allowed assaults to occur in those first 13 couple of years that you were there? 14 You came on in 2010. You started to 15 learn about these problems in 2011. Say 2011, 16 2012, did your start to hear through your 17 obligations that officers were allowing assaults 18 to occur? 19 A. Yes. 20 Q. How many of those types of allegations 21 did you hear? 22 A. I can't give you a number. The only</p>	<p style="text-align: right;">27</p> <p>1 allegations again? 2 A. Not as frequent as it was when I first 3 arrived there. 4 Q. So I take it you were working on helping 5 solve the problem. Is that right? 6 A. That was -- yes, but it was bigger than 7 me. It's just that I wasn't used to working in 8 that type of atmosphere with the staff and I just 9 came and did my job. 10 So whatever I could -- if I could make 11 it difficult for those people that were trying to 12 come in and do things that was unethical, then 13 that is what I did. 14 Q. All right. But the type of situations 15 where officers would allow inmates to assault 16 each other, there were -- I guess your 17 description is there were a lot of those in 2011 18 and 2012 and fewer in 2013 and 2014. Is that 19 fair? 20 A. Yes. It started when they started 21 seeing discipline was done and people were 22 removed from their jobs for -- sometimes -- I'm</p>
<p style="text-align: right;">26</p> <p>1 thing -- before the cameras were placed in, the 2 only thing we could do was do an investigation. 3 If we had other offenders who collaborated on the 4 officer leaving the door open. 5 Whether you are doing an investigation 6 or you do an incident report, the offender is 7 assaulted or injured, we do an incident report. 8 It reports that something took place on the tier 9 or the section or wherever it may have been. And 10 the investigator comes in and does the 11 investigation. 12 Once the investigator comes in, I 13 wouldn't have any knowledge of what took place 14 after that, when they begin the investigation. 15 They will take disciplinary action, and sometimes 16 the officer will be removed maybe for evidence 17 that they had. 18 Q. And did those types of allegations -- we 19 talked about the 2011/2012 period. Did those 20 types of allegations that officers allowed 21 assaults to occur continue after that, say 2013, 22 2014? Did you hear those same types of</p>	<p style="text-align: right;">28</p> <p>1 not going to say for making a mistake, but not 2 following rules as per policy. 3 So once they saw a difference in the 4 changing of the staff and the supervision, a lot 5 of that slowed down from what it was when I first 6 started there. 7 Q. And the -- now, when you first came on 8 board, you moved from Central Booking in October 9 of 2010 to BCDC. Were you a shift commander 10 immediately, or what was your role initially? 11 A. A shift commander. 12 Q. Okay. And as I understand it -- 13 A. It was actually a duty captain. I just 14 sat in the office and completed paperwork -- 15 MR. HANSEL: Okay. 16 A. -- of incidents. 17 Q. All right. Is duty captain different 18 from shift commander? 19 A. Yes. 20 Q. When did you become a shift commander? 21 A. In 2016 -- '14. 22 Q. All right. Just so you know, we are</p>

Transcript of Karen Moore
Conducted on December 5, 2018

9 (33 to 36)

<p>33</p> <p>1 allegations -- were there ever allegations, when 2 you were in that role, that officers would allow 3 inmates to assault each other, open a door or do 4 something like that to allow them to assault each 5 other? 6 A. If -- yes. It wasn't necessarily. It 7 always had to be that they were helping out. But 8 if they did something that didn't fulfill their 9 job duties, they got disciplined for it. 10 So sometimes they may have opened up all 11 the cell doors on a whole section. That's not -- 12 that's inappropriate. Someone could get injured. 13 Then they would be disciplined for their actions. 14 Q. And sometimes the allegation was that 15 they were cooperating directly with gang members. 16 Is that right? 17 A. Yes, sir. 18 Q. In those circumstances? 19 A. Yes, sir. 20 Q. All right. How widespread was that kind 21 of problem at the institution? I mean, we have 22 all read the newspaper and all that kind of</p>	<p>35</p> <p>1 institution and either talk to the media or 2 politicians. Is that right? 3 A. Well, that is with any -- even where I 4 am in Virginia, you have a boundary. That is why 5 they have a public information officer. 6 Q. Okay. Let's focus though on Maryland. 7 When you were an officer in Maryland, you were 8 trained and told by the state that you are not 9 permitted to bring problems like this up to the 10 media or to politicians or to anybody other than 11 through your chain of command. Is that right? 12 A. Yes. 13 Q. All right. I'm guessing, but I want to 14 ask you, you probably were reasonably concerned 15 that if you did something like that, you could 16 lose your job. Is that right? 17 A. Yes, sir. 18 Q. Okay. All right. Is that what you were 19 told in your training by the state? 20 A. Yes, sir. 21 Q. All right. During your time, you are 22 certainly aware of situations where inmates were</p>
<p>34</p> <p>1 thing. But during, let's say, the time period 2 from 2011 to 2014, how widespread was that? Was 3 the problem pretty bad? 4 A. Yes. 5 Q. All right. Did you ever consider going 6 beyond the institution to let the newspaper know 7 or government, you know, politicians, senators, 8 congress people, legislators in Annapolis, the 9 governor? 10 Did you ever consider elevating any 11 complaints beyond the institution about what was 12 going on given the problem? 13 A. Exactly what do you mean by going 14 outside of the -- 15 Q. Calling the media or calling a 16 politician or something like that. 17 A. We can't speak -- when you are in 18 uniform, you are unable to speak to the media 19 about things. We have a public information 20 officer for that. 21 Q. So I take it the state made it clear to 22 you that you weren't allowed to go outside of the</p>	<p>36</p> <p>1 harmed as a result of guards cooperating with 2 gang members. Is that right? 3 A. Yes, sir. 4 Q. And what about did any inmates lose 5 their life as a result of guards cooperating with 6 inmates? 7 A. I can't remember someone losing their 8 life directly for an incident while I was at 9 BCDC, no. 10 Q. Okay. Given how widespread the problem 11 was, do you feel that enough was being done to 12 clean it up fast enough for the safety of the 13 guards and the inmates or the officers and the 14 inmates? 15 A. When you are in that situation, it's 16 never done fast enough. If it was done next 17 week, it still wouldn't have been fast enough. 18 But when you are in that environment, you have to 19 work with what you have. 20 And as a correctional officer, it's our 21 job to protect the staff and the offenders. 22 So --</p>

Transcript of Karen Moore
Conducted on December 5, 2018

10 (37 to 40)

37

1 Q. And in this situation, it sounds like
2 even after years of effort, it wasn't fixed. Is
3 that right? In other words, you started and saw
4 the problem. You saw the problem as early as
5 2011. And the place still had problems as it was
6 being shut down in 2016, right?
7 **A. Yes, sir.**
8 Q. All right. I take it -- I think you
9 described to me that when you saw problems or
10 concerns, you would always report them up the
11 chain of command. Is that right?
12 **A. Yes. Document it. Yes, sir.**
13 Q. All right. And how many reports like
14 that do you think you made? Tens? Dozens?
15 Hundreds? A thousand? Over the course of, let's
16 say, from 2010 to the end of 2014, in that time
17 period.
18 **A. Sometimes I could have 10 or 12**
19 **incidents in a day.**
20 Q. 10 or 12 a day?
21 **A. Yes, sir.**
22 Q. And that went on like that for -- from

38

1 October of 2010 probably all the way through the
2 end of 2014 and maybe beyond. But my incident
3 that I'm here to talk about is in 2014. That's
4 why I'm asking about that period. Is that right?
5 **A. Yes.**
6 Q. As I understand your description, once
7 you made the report up the chain of command,
8 there was another -- we are going to talk about
9 this in a little bit more detail -- but there was
10 another group that investigated.
11 So that in your role, when these
12 problems came to your attention, was to report
13 them up the chain of command, and then your role
14 kind of ended and somebody else in took over to
15 investigate it. Am I right about that?
16 **A. Yes, sir.**
17 Q. Did you -- were there problems with gang
18 infiltration of the people who were doing the
19 investigation?
20 **A. I'm not sure, sir.**
21 Q. In other words, I guess what I'm trying
22 to ask is did you believe that the investigations

39

1 were going to -- did you believe that the
2 investigations were effective? In other words,
3 it sounds like to me you are making a lot of
4 reports.
5 Were you seeing a lot of action, a lot
6 of discipline meted out as a result of your
7 reports or not, or did your reports seem to go
8 nowhere?
9 **A. We had two investigators. One is**
10 **internal and one was external. Sometimes -- once**
11 **intel has -- they are doing their investigation,**
12 **I wouldn't know anything about it. So I couldn't**
13 **really tell you how the reports that I generated**
14 **assisted them in any way.**
15 **Because the only time they would come**
16 **back to ask questions is if it was something that**
17 **they weren't sure of as to how operations works.**
18 Q. In the period, let's say, in 2011 when
19 you first started learning about guards being
20 involved with the gang and helping gang members
21 achieve unlawful end in the prison, in the
22 detention center, through 2014, when you would

40

1 report problems or allegations against guards,
2 what percent of the time were the guards
3 disciplined or terminated?
4 In other words, did most of the guards
5 that you reported issues about get fired or not?
6 **A. They were terminated, but not for their**
7 **allegations.**
8 MR. HANSEL: Okay.
9 **A. They were terminated for other actions,**
10 **maybe their tardiness, not completing their job**
11 **duties as described. Something may have taken**
12 **place from their actions not being done. A lot**
13 **of them weren't directly fired because of their**
14 **actions with the gang.**
15 Q. So instead, what they were actually
16 terminated for in many cases was something that
17 on paper sounded much less serious?
18 **A. Yes, sir.**
19 Q. I will give you an example. Somebody
20 who maybe opened an door to intentionally allow
21 prisoners to fight might later be terminated for
22 forgetting to fill out some paperwork. Is that

Transcript of Karen Moore
Conducted on December 5, 2018

12 (45 to 48)

<p>45</p> <p>1 Do you happen to recognize Mr. Wallace 2 based on this photograph? 3 A. Yes. 4 Q. All right. What do you remember about 5 him, if anything, other than just recognizing 6 him? 7 A. I can vaguely remember I responded to 8 the section because the officer he was -- they 9 had an offender that was unresponsive. When I 10 went there he was breathing but he was not alert 11 where -- I didn't know what took place. I didn't 12 see any blood. 13 I thought maybe he was stabbed but he 14 didn't have any blood on him or anything at the 15 time. He was laying in the bed. 16 MR. HANSEL: Okay. 17 A. I responded with a couple officers. I 18 can't remember exactly who. I know we got him 19 out of the bed because of the emergency to take 20 him -- to meet medical, if we had to, to get him, 21 because he was on the top tier. 22 Q. And some of the documents I have -- we</p>	<p>47</p> <p>1 me. 2 A. He wasn't responsive. He wasn't moving. 3 He didn't do anything. 4 Q. In other words, he couldn't stand up on 5 his own? 6 A. No. 7 Q. All right. And how did it -- if you 8 recall, how did it come to your attention? Did a 9 radio call come in? Somebody shout out? How did 10 you know to go up there? 11 A. A radio -- it was through the radio. 12 Q. And do you recall who radioed you? 13 A. No, sir. 14 Q. All right. Who was there when you got 15 there? Were there officers there, if you recall? 16 A. It was officers that responded with me. 17 MR. HANSEL: Okay. 18 A. And a tier officer, but I don't -- I 19 can't remember exactly who was there. 20 MR. HANSEL: That's okay. 21 A. The only thing that I can remember is 22 going and seeing him and bringing him to medical.</p>
<p>46</p> <p>1 can look at them in a minute -- talk about once 2 he was moved, there was some head trauma. I 3 think they say to the right side, but to one side 4 of his head. 5 Do you recall that one way or the other? 6 A. No, not when I responded. When I 7 responded, because we went up on the tiers, went 8 in the cell, he was on the top tier -- on the top 9 bunk in his bed. 10 Q. All right. Do you -- do you remember, 11 was he handcuffed when you got there for any 12 reason? Do you remember? 13 A. No. I don't think so. 14 Q. You got him up. You said he was 15 breathing. When you say he was not responsive, 16 though, what do you mean by that? You were 17 asking questions. He couldn't -- 18 A. I was tapping him. He wouldn't -- he 19 didn't move at all. He wasn't moving at all. 20 Q. All right. When you tried to get him 21 up, could he stand under his own power or was he 22 limp or somewhere in between? Describe it for</p>	<p>48</p> <p>1 And prior to him leaving out, he had a family 2 member or somebody who knew who he was. Because 3 when you respond to an emergency -- I didn't know 4 his name. 5 I just responded to try to get him out 6 to medical and talk to him. And whoever the 7 family member was, it was a young man, he just 8 shed a tear. So I was able -- you know, a tear 9 just came down when the young man was talking to 10 him. 11 Q. And did that happen -- when you say a 12 tear came down, Mr. Wallace had a tear coming 13 down? 14 A. Yes. 15 Q. Okay. And that was at the facility or 16 the hospital? 17 A. The facility. I didn't -- once he went 18 out on the hospital run, I didn't have any more 19 contact with him. 20 Q. And the person that you were assuming 21 was a family member was a fellow inmate? 22 A. Yeah. He was an offender, yes.</p>

Transcript of Karen Moore
Conducted on December 5, 2018

13 (49 to 52)

<p style="text-align: right;">49</p> <p>1 Q. So some offender who had some kind of</p> <p>2 apparently caring relationship, whatever it was,</p> <p>3 with Mr. Wallace came down to medical or was up</p> <p>4 on the tier?</p> <p>5 A. He may have been going to dinner, to</p> <p>6 chow, when he was going out. And I stopped him.</p> <p>7 But he was going out to the hospital at the time</p> <p>8 when the young man saw him on the stretcher.</p> <p>9 Q. What did the young man say who saw him</p> <p>10 on the stretcher, if you recall?</p> <p>11 A. He called him by his name.</p> <p>12 MR. HANSEL: Okay.</p> <p>13 A. Because I was trying to get information</p> <p>14 to see what had happened to him --</p> <p>15 MR. HANSEL: Sure.</p> <p>16 A. -- what took place or where. I talked</p> <p>17 to the young man. He was unaware. He just said</p> <p>18 it was a cousin. That was it. That is the only</p> <p>19 thing I can remember, because he shed a tear as</p> <p>20 he was going out.</p> <p>21 So I knew that he could understand what</p> <p>22 the young man was saying to him.</p>	<p style="text-align: right;">51</p> <p>1 Q. I don't know either. I'm not saying he</p> <p>2 was not an actual cousin. I happen to know lots</p> <p>3 of folks, you know, call each other --</p> <p>4 A. Yeah. A lot of them do the same way.</p> <p>5 But --</p> <p>6 Q. So it was somebody who seemed to care</p> <p>7 for him, but you can't say whether they were</p> <p>8 actually related or not. Is that correct?</p> <p>9 A. Yes. Yes, sir.</p> <p>10 Q. All right. It was a male inmate about</p> <p>11 similar age. Is that correct --</p> <p>12 A. Yes, sir.</p> <p>13 Q. -- from what you recall? Was he also</p> <p>14 African American, the inmate? I'm assuming so.</p> <p>15 A. Yes. Yes.</p> <p>16 MR. HANSEL: All right. Let's mark the</p> <p>17 next one.</p> <p>18 (Whereupon, Moore Deposition Exhibit 2</p> <p>19 was marked for identification and attached to the</p> <p>20 transcript.)</p> <p>21 Q. Officer Moore, I will show you what is</p> <p>22 marked as Exhibit 2. And I don't see any of your</p>
<p style="text-align: right;">50</p> <p>1 Q. All right. Was that the only sign of --</p> <p>2 A. Yes.</p> <p>3 Q. -- of response from Mr. Wallace of any</p> <p>4 kind?</p> <p>5 A. Yes, sir.</p> <p>6 Q. He wasn't able to tell you anything or</p> <p>7 verbalize anything?</p> <p>8 A. No.</p> <p>9 Q. Okay. Do you know -- where I grew up,</p> <p>10 lots of folks might call each other either cousin</p> <p>11 or brother or use some familial term that aren't</p> <p>12 necessarily related.</p> <p>13 Do you know whether the young man who</p> <p>14 had some kind of care for Mr. Wallace there was</p> <p>15 an actual, you know, cousin by blood or marriage,</p> <p>16 or whether they were just referring to each other</p> <p>17 that way because they maybe had a close</p> <p>18 friendship?</p> <p>19 Do you know one way or the other?</p> <p>20 A. I don't know. The only thing I could do</p> <p>21 was give the information I had to the</p> <p>22 investigator.</p>	<p style="text-align: right;">52</p> <p>1 handwriting on this document. Do you? Is any of</p> <p>2 that writing yours? I don't think it is. I'm</p> <p>3 just asking.</p> <p>4 A. No, sir.</p> <p>5 Q. All right. And do you recognize this</p> <p>6 type of transfer form?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. All right. And so as I</p> <p>9 understand this form, and correct me if I am</p> <p>10 wrong, it is requesting a transfer from J section</p> <p>11 to G section of Daquan Wallace. Is that right?</p> <p>12 There is other information, but is that much</p> <p>13 correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right. The date is 12/18/14. Do</p> <p>16 you see that?</p> <p>17 A. Yes, sir.</p> <p>18 Q. All right. The request was made by</p> <p>19 Sergeant Portee. Do you see that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And there is a line that says shift</p> <p>22 commander approval, and then it says form void</p>

Transcript of Karen Moore
Conducted on December 5, 2018

14 (53 to 56)

<p>53</p> <p>1 unless signed by shift commander or operation 2 captain where applicable. Do you see that? 3 A. Yes, sir. 4 Q. And it's not signed. Do you see that? 5 A. Yes, sir. 6 Q. Somebody I deposed earlier who was 7 working at BCDC at the time told me that if it's 8 not signed, it's void and the transfer should not 9 have happened. 10 Do you agree with that? 11 A. Yes, sir. 12 Q. Okay. All right. And so that the 13 transferring officer never should have moved 14 Mr. Wallace from the J section and the receiving 15 officer never should have received him in G 16 section. 17 Do you agree with that? 18 A. No, sir. 19 Q. In other words -- go ahead. Go ahead. 20 A. I just want to explain to you exactly. 21 MR. HANSEL: Sure. Go ahead. 22 A. When they fill this form out, this goes</p>	<p>55</p> <p>1 assistant warden, but it was the building -- oh, 2 it's a director, but someone should have signed 3 on this. 4 Q. Okay. Got it. Where it says shift 5 commander approval and then it says void unless 6 it's signed by either the shift commander or 7 somebody named operations captain, somebody would 8 have had to sign that? 9 A. Yes, sir. 10 Q. Nobody did. So the transfer should not 11 have taken place. Is that right? 12 A. Without the knowledge. But Traffic 13 shouldn't have given a bed location if the 14 captain didn't know about it. 15 Q. Right. So now let's get to that. When 16 you are in your training for doing your job as a 17 corrections officer, you are obviously taught 18 about the importance of paperwork and 19 documentation, right? That is pretty obvious. 20 A. Yes. 21 Q. Okay. One of the things that is 22 important is that people's signatures be clear.</p>
<p>54</p> <p>1 to the traffic officer. The traffic officer 2 gives the bed location, the new bed location. 3 And I can't remember who signed something like 4 this, but the person can't move unless Traffic 5 gives them a bed location. 6 Q. And they also can't move without the 7 shift commander approval? 8 A. Yes. 9 Q. All right. So in this case, because the 10 shift commander didn't approve it, he obviously 11 shouldn't have moved. Is that right? 12 A. Without his -- without his knowledge, 13 yes. 14 Q. And without his signature, right? 15 A. Yes. 16 MR. HANSEL: Okay. All right. 17 A. Can I say something? 18 MR. HANSEL: Yes, ma'am. Go right 19 ahead. 20 A. The -- they had different -- what do you 21 call it? They may have had -- oh, my goodness. 22 What were they called? Assistant -- it's not</p>	<p>56</p> <p>1 So, for instance, Sergeant Portee up here writes 2 Sergeant Portee, and it's pretty clear who signed 3 it, right? 4 A. Yes. 5 Q. When you sign things, and I have got 6 things that you signed, it's pretty clear that it 7 has your name, you know, Officer Moore when you 8 sign it. In fact, you usually spell out 9 everything, Major Karen Moore. 10 Here is one document I'm showing you 11 just as an example. 12 A. Yes. 13 Q. When it gets down here to the traffic 14 office housing assignment, can you make out, in 15 that signature, even a single letter? 16 A. No, sir. 17 Q. Meaning, and I have asked other people 18 involved in this case, witnesses like yourself, 19 if they can interpret that signature for me and 20 nobody has been able to. Nobody has been able to 21 pick out a single letter and nobody has told me 22 they know that that is a signature or whose</p>

Transcript of Karen Moore
Conducted on December 5, 2018

15 (57 to 60)

<p>57</p> <p>1 signature that is.</p> <p>2 I will represent to you, to me, it just</p> <p>3 looks like a bunch of loops. It just looks like</p> <p>4 scribble. Do you agree with that?</p> <p>5 A. Yes.</p> <p>6 Q. All right. So in my opinion, that is</p> <p>7 not a signature at all. It looks like a bunch of</p> <p>8 scribble. Do you agree with that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. In any event, it's not a signature that</p> <p>11 we can reasonably determine whose name it is,</p> <p>12 right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. All right. And so if it's a</p> <p>15 legitimate signature of somebody in Traffic, they</p> <p>16 would have violated their training to make sure</p> <p>17 the signature is legible. Is that right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. All right. Now, looking at this</p> <p>20 document and given that there is nobody who has</p> <p>21 signed it by shift commander approval, and given</p> <p>22 that Traffic, because nobody signed it by shift</p>	<p>59</p> <p>1 that?</p> <p>2 A. Yes, sir.</p> <p>3 Q. If Mr. Wallace had been doing those</p> <p>4 things, it would have been -- or if there had</p> <p>5 been an allegation that I was doing those things</p> <p>6 and it had been brought to somebody's attention,</p> <p>7 that person would have been required to write him</p> <p>8 up, right, write a ticket, a disciplinary matter?</p> <p>9 A. They could have reacted from someone</p> <p>10 calling to say that their family member were</p> <p>11 being distort -- extorted. But still in all,</p> <p>12 they should have completed a report and reported</p> <p>13 it to the shift commander.</p> <p>14 Q. Okay. So if this was a concern, and if</p> <p>15 somebody was going to follow the rules, then the</p> <p>16 corrections officer should have reported to the</p> <p>17 shift commander that there was an allegation that</p> <p>18 the detainee was extorting commissary and phone</p> <p>19 privileges, correct?</p> <p>20 A. Yes. He could have received a</p> <p>21 disciplinary, and the hearing officer would</p> <p>22 decide whether it was legitimate or he should</p>
<p>58</p> <p>1 commander approval, should not have filled</p> <p>2 anything out, and given that we can't interpret</p> <p>3 these -- this squiggle, do you think Traffic</p> <p>4 actually signed off on this, or do you think</p> <p>5 somebody just put that squiggle there?</p> <p>6 A. I'm not sure.</p> <p>7 Q. All right. You understand why I'm</p> <p>8 asking and what I'm asking?</p> <p>9 A. Yes, sir, I do.</p> <p>10 Q. Let me ask it this way: In your</p> <p>11 experience, did you ever know Traffic to sign off</p> <p>12 on one of these forms unless there was a</p> <p>13 signature by shift commander approval first?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So sometimes they would sign off</p> <p>16 even if the shift commander approval had not?</p> <p>17 A. Yes, if the shift commander gave them</p> <p>18 authorization to move the person.</p> <p>19 Q. Okay. All right. And -- what kind</p> <p>20 of -- now, it says here reason for transfer, and</p> <p>21 it says detainee extorting other detainees for</p> <p>22 commissary and phone privileges. Do you see</p>	<p>60</p> <p>1 have been punished for it.</p> <p>2 Q. And receiving a complaint like that and</p> <p>3 not reporting it to the shift commander would be</p> <p>4 a violation of procedure, right?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And obviously, one of the</p> <p>7 people who must have known about this allegation</p> <p>8 is Sergeant Portee, because Sergeant Portee wrote</p> <p>9 the allegation on this form, right? Do you see</p> <p>10 that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. All right. Is that the type of reason a</p> <p>13 person would be moved from JI over to the</p> <p>14 detention center?</p> <p>15 A. As a shift commander, I probably would</p> <p>16 have asked more questions, because if he didn't</p> <p>17 receive any -- I would rather have a ticket to</p> <p>18 cover this in case something happened.</p> <p>19 MR. HANSEL: Right.</p> <p>20 A. And then that would show why you moved</p> <p>21 him. Because so much was going on, it's hard to</p> <p>22 just have someone do things and bring it to your</p>

Transcript of Karen Moore
Conducted on December 5, 2018

16 (61 to 64)

<p>61</p> <p>1 attention and not go all the way with it.</p> <p>2 If you had allegations or you allege you</p> <p>3 saw him doing something that was — required</p> <p>4 discipline, he should have gotten discipline.</p> <p>5 Then this came and he would have been placed</p> <p>6 on — if we had room, he would have been placed</p> <p>7 in a cell, restricted cell, until he went up for</p> <p>8 a hearing.</p> <p>9 Q. Okay. So if Sergeant Portee had brought</p> <p>10 these allegations to your attention as a shift</p> <p>11 commander and sought permission to make this</p> <p>12 transfer, you would have, instead, had a ticket</p> <p>13 written on Mr. Wallace, a disciplinary ticket,</p> <p>14 and then put him in a segregated cell until the</p> <p>15 hearing could happen?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Obviously, this is obvious,</p> <p>18 but if that had happened, then he would have not</p> <p>19 been transferred to the G section on December 18,</p> <p>20 2014, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. All right. Now, I'm going to</p>	<p>63</p> <p>1 that.</p> <p>2 (Whereupon, Moore Deposition Exhibit 3</p> <p>3 was marked for identification and attached to the</p> <p>4 transcript.)</p> <p>5 Q. Mrs. Moore, I show you what has been</p> <p>6 marked as Exhibit 3. Let me ask you, before</p> <p>7 we -- before we leave Exhibit 2, did you ever</p> <p>8 have any concern about Sergeant Portee having</p> <p>9 involvement with gangs or acting any way</p> <p>10 inappropriately at BCDC?</p> <p>11 A. I'm not sure. That is a totally</p> <p>12 different building. And she worked day shift</p> <p>13 during the time that I was on evening shift. I'm</p> <p>14 not -- I know she worked day shift in the Jail</p> <p>15 Industry Building. So did Lieutenant Patterson.</p> <p>16 We could be at work all week and I</p> <p>17 wouldn't have laid eyes on them. The only</p> <p>18 contact I would have is if they stayed over and I</p> <p>19 was the shift commander for the next shift and</p> <p>20 they needed assistance.</p> <p>21 Q. You don't know one way or the other is</p> <p>22 what you are telling me?</p>
<p>62</p> <p>1 show you -- we are going to get to it later for</p> <p>2 other reasons, but I just want to direct your</p> <p>3 attention. I have got what looks like an e-mail</p> <p>4 from you in relation to this case but I'm only</p> <p>5 pointing out one thing.</p> <p>6 The time of the medical assistance being</p> <p>7 called was on Thursday, December 18, 2014, at</p> <p>8 approximately 1932. Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And comparing that to the</p> <p>11 transfer, the transfer took place that same day,</p> <p>12 December 18, 2014. Do you see that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. So you agree with me that if this</p> <p>15 transfer had been brought to your attention as</p> <p>16 the shift commander, given the procedure that you</p> <p>17 would have followed that would put Mr. Wallace in</p> <p>18 a cell alone, that the assault could not have</p> <p>19 happened that day?</p> <p>20 Do you agree with that?</p> <p>21 A. Yes, sir.</p> <p>22 MR. HANSEL: All right. Let's mark</p>	<p>64</p> <p>1 A. No. I never really -- I never worked</p> <p>2 with her more -- I haven't worked with her a day</p> <p>3 since I have been over at BCDC.</p> <p>4 Q. Did anybody ever raise any concerns with</p> <p>5 you about her?</p> <p>6 A. No, not that I can remember.</p> <p>7 Q. Now, I'm going to show you what is</p> <p>8 marked as Exhibit 3. And do you recognize this</p> <p>9 type of form, the Matter of Record Information</p> <p>10 Report?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. All right. And you will see this</p> <p>13 is a report by a -- the reporting officer is</p> <p>14 Michael Scipio or Scipio.</p> <p>15 A. Scipio.</p> <p>16 Q. Do you recognize who that is?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What was his role at the time?</p> <p>19 A. He was an officer at BCDC.</p> <p>20 Q. All right. And do you know what rank or</p> <p>21 level he was?</p> <p>22 A. He was just an officer.</p>

Transcript of Karen Moore
Conducted on December 5, 2018

17 (65 to 68)

<p>65</p> <p>1 Q. Okay. All right. And it says on 2 Thursday, December 18, 2014, I was assigned as 3 the SBOIC. What does that mean? 4 A. South building officer in charge. 5 Q. It says that he escorted Detainee 6 Wallace to G 35. Do you see that? 7 A. Yes, sir. 8 Q. Would it ordinarily be the officer in 9 charge who made an escort like that or somebody 10 else? 11 A. It could be anyone. 12 Q. Including the officer in charge? 13 A. Yes, sir. 14 Q. All right. He says he escorted Daquan 15 Wallace to G 35, and that there was no sign of 16 injury during the escort. Do you see that? 17 A. Yes, sir. 18 Q. Okay. All right. He has that the 19 escort occurred at approximately 1600 hours. Do 20 you see that? 21 A. Yes. 22 Q. What time is 1600 hours in nonmilitary</p>	<p>67</p> <p>1 Q. All right. And then the next sentence 2 says: According to Cellmate Beatty, he went to 3 chow and upon returning found Inmate Wallace 4 unresponsive and notified Sergeant George -- 5 A. Almiroudis. 6 Q. -- Almiroudis. Do you see that? 7 A. Yes, sir. 8 (Whereupon, Moore Deposition Exhibit 5 9 was marked for identification and attached to the 10 transcript.) 11 Q. Does that sort of bring back memories 12 about how this occurred? 13 A. Yeah. 14 Q. That the inmate came back from chow and 15 found -- his cellmate came back from chow and 16 found Mr. Wallace unresponsive? 17 A. Yes. 18 Q. Just to close the loop on that, I will 19 show you Exhibit 5. There is an inmate statement 20 from Joseph Beatty, and it says: I tried to wake 21 him up when he came back from chow. He didn't 22 move. So I shook him and he started breathing</p>
<p>66</p> <p>1 time? 2 A. 4 o'clock in the afternoon. 3 Q. In the afternoon? 4 A. Yes, sir. 5 MR. HANSEL: All right. 6 (Whereupon, Moore Deposition Exhibit 4 7 was marked for identification and attached to the 8 transcript.) 9 Q. I will show you what is marked as 10 Exhibit 4. It should be pretty much going in 11 order. And Exhibit 4 has your name on it and a 12 narrative, which I understand is information you 13 provided. 14 Is that how you recognize this document? 15 I think this was some investigators who 16 interviewed you. 17 A. Yes. 18 Q. Okay. All right. It says under the 19 narrative that you reported Inmate Wallace had 20 been found nonresponsive with severe head 21 injuries. Do you see that? 22 A. Yes.</p>	<p>68</p> <p>1 hard. So I called the CO. 2 Does that sound like the information 3 that you got at the time from the cellmate? 4 A. Yes, sir. 5 Q. The cellmate's information appears to be 6 when the cellmate got back from eating, that 7 Daquan Wallace was already in the cell and 8 unresponsive? 9 A. Yes. 10 MR. HANSEL: Okay. 11 (Whereupon, Moore Deposition Exhibit 6 12 was marked for identification and attached to the 13 transcript.) 14 Q. Now I show you what is marked as Exhibit 15 6. It looks like your name appears here a couple 16 of times as the shift commander. Is that your 17 handwriting where your name appears? I see it 18 twice, once here and once here. Is one or both 19 of yours your handwriting? 20 A. Yes, sir. 21 Q. All right. Which ones? Are both of 22 them your handwriting?</p>

Transcript of Karen Moore
Conducted on December 5, 2018

20 (77 to 80)

<p>77</p> <p>1 Q. All right. So at that time, at 1945, if 2 what Officer Rene is writing is correct, he would 3 have gone to the cell that Daquan Wallace was in 4 and secured it, right? 5 A. Yes. But I think the way he was 6 explaining it, because there's two ways you can 7 secure the cell doors. At the front of the tier, 8 you can pull a handle and it secures all the 9 doors. 10 Sometimes some of the doors will show up 11 unsecured. So what he did was walk the tier and 12 took the ones that were unsecured and made sure 13 they were locked. 14 Q. You said it, but that required actually 15 walking -- 16 A. Yes. 17 Q. At minimum, he had to walk by the cell 18 that Daquan Wallace was in? 19 A. Yes, sir. 20 Q. Okay. Now, the cells on this tier, I 21 have photographs if you don't remember, but the 22 cells on this tier where G-35 is are, as you walk</p>	<p>79</p> <p>1 is called. Is that right? 2 A. Yes, sir. 3 Q. All right. If that's true, the assault, 4 based on what we are seeing here, had to have 5 happened prior to 1945 at some time. Is that 6 right? 7 Because the door was locked and he was 8 otherwise, you know, not available for anybody to 9 get to him. Do you follow what I'm asking? 10 A. Yes. Yes. Let me make sure I'm 11 understanding what you are saying, sir. 12 MR. HANSEL: Sure. 13 A. What point you are saying is once the 14 door was secured, he shouldn't -- Mr. Wallace 15 shouldn't have been injured because the door was 16 already locked? 17 Q. Right. So if the door is locked at 18 approximately 1945, if what Officer Rene is 19 saying is correct here, then the assault had to 20 happen before 1945 when people could get to him? 21 A. Yes. That was the reason I pulled his 22 cell buddy out and secured him away from everyone</p>
<p>78</p> <p>1 down the tier, one whole wall of the cell is 2 nothing but bars, and you can see in to the whole 3 cell. Is that fair? 4 A. Yes, sir. 5 Q. All right. So he would have walked 6 right by Daquan Wallace's cell and be able to see 7 into the whole thing. Is that right? 8 A. Yes, sir. 9 Q. All right. He, obviously, doesn't 10 report seeing any assault occur, right? 11 A. No, sir. 12 Q. All right. And then he says that it was 13 not until 1958, which is 7:58 p.m., that the 14 medical assistance was called for. Do you see 15 that? 16 A. Yes, sir. 17 Q. All right. And so by 1958, Jackens Rene 18 would have walked by Daquan Wallace's cell, 19 doesn't report seeing anybody assaulted him or 20 any problem. And then would have locked the cell 21 around 1945, made sure it was locked. And then 22 it's 13 minutes later that the medical assistance</p>	<p>80</p> <p>1 else. 2 MR. HANSEL: Got it. 3 A. Because from the report that I have and 4 what I was told, I would assume that he was 5 injured inside the cell. So he was secured until 6 investigators came from outside to interview him. 7 Q. Got it. So your point is -- and that is 8 a good point -- he could have been injured after 9 1945 if it was his cellmate who did it? 10 A. Yes. 11 Q. But if it was not his cellmate who did 12 it, it would have had to have been before 1945? 13 A. Yes, sir. 14 Q. Okay. I understand. Now, as the 15 investigation proceeded, there were witnesses 16 developed who pointed the finger at three -- who 17 identified three other inmates, not his cellmate, 18 who committed the assault. 19 Are you aware of that? Did you get that 20 follow-up at some point? 21 A. No, sir. That is it for me. After I 22 inform everyone, send the information to the</p>

Transcript of Karen Moore
Conducted on December 5, 2018

25 (97 to 100)

<p>97</p> <p>1 later, and also includes, amongst other 2 information, a synopsis at the end. Is that 3 right? 4 A. Yes, sir. 5 Q. Okay. All right. And I will represent 6 to you -- you can read and check if you want. I 7 thought this was the case. I just double 8 checked. For my purposes, I don't think there 9 were any changes. 10 It doesn't look like your narrative 11 changed between your initial writing of it in the 12 e-mail and your half-an-hour-later Serious 13 Incident Report. 14 A. No. 15 Q. Okay. In terms of when the medical 16 assistance was first called -- a lot of times, 17 there are times in this record that look like the 18 time somebody was notified of something as 19 opposed to the time it happened. 20 But it looks like the time that medical 21 assistance was called was 1932, and that appears 22 both in your e-mail and in your Serious Incident</p>	<p>99</p> <p>1 came back. The doors were opened and then they 2 went back in and doors were closed again. Is 3 that right? 4 A. Yes, sir. 5 Q. All right. It was important that the 6 doors stayed closed while the inmates were out to 7 avoid any kind of mischief in the cells. Is that 8 right? 9 A. Yes, sir. 10 Q. So that while they were out and eating, 11 the cells would have been closed. Is that right? 12 A. Yes, sir. 13 Q. Okay. And the officer or officers who 14 let them out to go eat are required to check and 15 see who stayed behind, make sure that the person 16 is permitted to stay behind, and make sure that 17 all the cell doors are closed and locked, and 18 that the people who are supposed to leave have 19 left. Is that right? 20 A. No, sir. 21 Q. Okay. Help me out. 22 A. All of the offenders are supposed to go</p>
<p>98</p> <p>1 Report. Do you see that? 2 A. Yes, sir. 3 Q. All right. Of course, by the time it 4 made it into the Serious Incident Report, it had 5 sort of been double checked by the assistant 6 warden. Is that right? 7 A. Yes, sir. 8 Q. So the medical assistance was called at 9 1932. What time is that for civilians for folks 10 who don't do military time? 11 A. 7:32. 12 Q. All right. 7:32. I agree with that. 13 And it's 7:32 p.m. Is that right? 14 A. Yes, sir. 15 Q. All right. Good. Good. Now, at this 16 time, when the inmates went to feed up from this 17 tier, that included G-35 where Daquan Wallace 18 was. As I understand it, the doors on the tier 19 were open so that inmates would file out. 20 They went to another building to eat. 21 They were only out for 20 minutes. During that 22 20 minutes, the doors were closed. And then they</p>	<p>100</p> <p>1 to chow whether they want to or not. 2 Q. So the tier should have been empty 3 during chow? 4 A. Yes, sir. 5 Q. And with the doors closed and locked? 6 A. Yes, sir. 7 Q. All right. So going back to Exhibit 6, 8 Jackens Rene says that they left for feed up at 9 1920. Do you see that? 10 A. Yes, sir. 11 Q. And they came back at 1945. Do you see 12 that? 13 A. Yes. 14 Q. And during that time, the cells should 15 have been closed and empty. Is that right? 16 A. Yes, sir. 17 Q. And Officer Jackens Rene says -- we 18 looked at it earlier -- but also says that Daquan 19 Wallace went to feed up. Is that right? 20 A. Yes, sir. 21 Q. But the medical assistance was called at 22 1932, right in between that time when Wallace --</p>

Transcript of Karen Moore
Conducted on December 5, 2018

31 (121 to 124)

<p>121</p> <p>1 can see where it says State, with some numbers 2 down in the bottom right-hand corner. That is 3 not something that appears on the original 4 document, just to let you know. 5 That is an indication that the state 6 produced this to me out of their records. That 7 is what that is. 8 A. Yes, sir. 9 Q. The state at some point produced to me 10 this note and it's discussing the incident that 11 happened on December 18, 2014, and the boy that 12 got beaten up real bad on G section that is in a 13 coma. That, obviously, had to be Daquan Wallace. 14 And it talks about BGF involvement and 15 how they have been robbing people and they -- 16 this person is complaining about BGF, in general. 17 It's a page long. I'm not trying to read the 18 whole thing. 19 My question is do you remember this? 20 Was it ever brought to your attention in any way? 21 A. No, sir. 22 Q. So you can't -- other than just reading</p>	<p>123</p> <p>1 asking. And he referred to an officer -- Warden 2 Johnson heard it as Sheraton, S-H-E-R-A-T-O-N. 3 Were you ever aware of an Officer Sheraton or 4 anything that sounds like that? 5 A. No, sir. We didn't have a Sheraton. 6 Q. All right. I know you had a Sherd. Was 7 there anything else that might sound like 8 Sheraton other than Sherd? 9 A. (No verbal response.) 10 Q. You are shaking your head. Is that a 11 no? 12 A. No, sir. I'm sorry. 13 Q. Did you ever have any problems or 14 concerns with an Officer Sherd related to gang 15 involvement or any other inappropriate conduct? 16 A. Not that I'm aware of. 17 Q. Was any information ever shared with you 18 about who the perpetrators were or who the 19 suspected perpetrators were? 20 A. No, sir. 21 Q. What's -- in your experience, what's the 22 response time when 911 is called? How long</p>
<p>122</p> <p>1 it to me, which I can do for myself, you can't 2 tell me anything about that? 3 A. No, sir. 4 Q. All right. All right. Fair enough. I 5 had -- it was another -- let me just ask you 6 about this generally, and if you don't know 7 anything about it, that is fine. Some other 8 documents produced to us involve some e-mails to 9 the effect that -- do you know who Betty Johnson 10 was in connection with? 11 A. She was a warden. 12 Q. When the warden was leaving JI one day, 13 that a person approached her and said he had 14 information about the person who got beaten up on 15 G section, and provided nicknames of three 16 attackers, who later those nicknames went -- were 17 put through the system and came back to inmates 18 that were incarcerated there at the time. 19 Do you know anything about that e-mail 20 or any investigation related to it? 21 A. No, sir. 22 Q. I'm not suggesting you would. I'm just</p>	<p>124</p> <p>1 before an ambulance would get to the facility? 2 A. It all depends on the time of day. 3 MR. HANSEL: Yeah. 4 A. Because it's downtown, sometimes there 5 is a lot of traffic. But they would be there 6 within five minutes. 7 Q. Okay. That's with no traffic, in other 8 words? Is that what you are telling me? 9 A. Yes, sir. 10 Q. All right. You mentioned to me when 11 they had feed ups like this, that everybody was 12 required to go. 13 A. Yes, sir. 14 Q. Was there ever any deviation or 15 exception allowed to that rule? 16 A. No, sir. It was for safety reasons, 17 especially on my shift, I thought that everyone 18 should leave out. Because if something happened, 19 it's hard to see at night on the sections. It's 20 hard to see outside. So all of the staff would 21 escort the offenders to and from chow. 22 Q. Now, there were bloody articles of</p>

Transcript of Karen Moore
Conducted on December 5, 2018

32 (125 to 128)

<p style="text-align: right;">125</p> <p>1 clothing collected from cells on the tier as a 2 result of the investigation. Were you aware of 3 that or have anything to do with it, or is that 4 just up to the investigators? 5 A. Everyone was secured in the cell. No 6 one could move. The water was turned off. That 7 was up to the investigators to go in to each cell 8 and search. 9 But the only thing that we could do was 10 visually go down -- I didn't want -- if it was -- 11 if it took place somewhere on the section, I 12 didn't want staff to be inside the crime scene. 13 Q. Looking back at Exhibit 6, which is 14 Jackens Rene's report. He says he was assigned 15 to -- Jackens Rene was assigned to G section. 16 And that everyone went to dining hall except for 17 Cell 3, 47 and 48. Do you see that? 18 A. Yes, sir. 19 Q. Do you know any reason why it would be 20 appropriate for 3, 47 and 48 not to go to dining 21 hall? 22 A. It could be medical reasons, because</p>	<p style="text-align: right;">127</p> <p>1 Looking at Exhibit 16, it's a summary of 2 tests taken by various officers. Do you know 3 Dominic Bonvegna or know who that is? 4 A. No. 5 Q. What about Daniel Morrow? 6 A. Morrow, I don't know the first name, it 7 could have been one of the investigators. I know 8 a Morrow that is an investigator. 9 MR. HANSEL: This is that Morrow. 10 A. Okay. 11 Q. You can see the cc is Daniel Morrow who 12 is an investigator. What about Allen, do you 13 know that, Rodney Allen? 14 A. No. 15 Q. And this is an e-mail about cell 16 searches of the G section related to this case. 17 I want to direct your attention to the fourth 18 paragraph there, Cell 47 and 48. Do you see 19 that? 20 A. Yes. 21 Q. All right. And if you read through that 22 paragraph, about the second sentence there, after</p>
<p style="text-align: right;">126</p> <p>1 they could have been on crutches. But it had to 2 come from medical in order for them not to have 3 to go to chow hall, because they had to go down 4 steps. 5 Q. Without a medical reason, then they 6 should have gone. Is that correct? 7 A. Yes, sir. 8 MR. HANSEL: All right. Let's mark 9 this. 10 (Thereupon, there was a recess taken at 11 1:03 p.m.) 12 (Thereupon, the proceedings were resumed 13 at 1:06 p.m.) 14 (Whereupon, Moore Deposition Exhibit 15 16 was marked for identification and attached to 16 the transcript.) 17 Q. Officer, I show you what is marked as 18 Exhibit 16. I'm not suggesting that you have 19 seen this before, but I'm going to -- I just want 20 to point something out to you, so then I can ask 21 you if you were ever made aware of it or know 22 anything about it.</p>	<p style="text-align: right;">128</p> <p>1 further inspection, Detective Allen discovered 2 that the T-shirt contained what appeared to be 3 blood stains on the front of the shirt. Do you 4 see that? 5 A. Yes. 6 Q. This is a search happening on 12/9, the 7 day after Daquan Wallace was attacked. Do you 8 see that? 9 A. 12/9? 10 Q. 12/19. I'm sorry. Then if you look at 11 the search -- that was the top bunk. If you look 12 at the search of the bottom bunk, which is the 13 next paragraph, the bottom bunk belonged to a 14 Terrell Fields. 15 And if you go to the bottom of that 16 paragraph, you will see that there was a bag of 17 clothes. Everything in the bag was wet except 18 for a few pieces of clothing that were dry, and 19 it says it was discovered that one orange shirt 20 contained blood stains on the front and back. Do 21 you see that? 22 A. Yes, sir.</p>

Transcript of Karen Moore
Conducted on December 5, 2018

33 (129 to 132)

<p>129</p> <p>1 Q. And then it said there was also a pair 2 of blue jeans that also had blood stains on the 3 front pant legs. Do you see that? 4 A. Yes. 5 Q. Okay. So in Cell 47 and 48, one man's 6 T-shirt had blood stains on it and another man's 7 orange shirt and blue jeans had blood stains on 8 them. Do you see that? 9 A. Yes, sir. 10 Q. Referring back to Jackens Rene's report, 11 that same Cell 47, 48 is the cell where people 12 didn't leave to go to feed up. Is that right? 13 A. Yes, sir. 14 Q. Looking at the times for feed up on 15 Jackens Rene's report, between 1920 and 1945, and 16 looking at the time that you double checked when 17 the medical assistance was called at 1932, this 18 attack happened during the time when Jackens Rene 19 said that everybody was at feed up other than 20 those cells. Is that right? 21 A. Yes. 22 Q. All right. Then blood was found on the</p>	<p>131</p> <p>1 Q. That is why a reasonable investigative 2 staff would be -- would test that blood and see 3 if it was Daquan Wallace's blood, right? 4 A. That is beyond my control. That is 5 where the investigators come in. 6 MR. HANSEL: That is where they come in. 7 All right. I'm going to borrow that back just so 8 I make sure I have everything in order here. 9 That was my 10 minutes. Let's take our break and 10 we will go back on. 11 (Thereupon, there was a recess taken at 12 1:11 p.m.) 13 (Thereupon, the proceedings were resumed 14 at 1:30 p.m.) 15 BY MR. HANSEL: 16 Q. To the best of your knowledge, during 17 these events, were the lights in G section ever 18 turned off? 19 A. No, sir. You mean turned off -- they 20 stayed on all the time. 21 Q. So the lights in the hall were on all 22 the time. Is that right?</p>
<p>130</p> <p>1 clothes of the people Jackens Rene didn't make 2 sure went to feed up. Do you agree with that? 3 A. Yes, sir. 4 Q. Was it brought to your attention that 5 these inmates on G section who hadn't gone to 6 lunch who were at the tier during the time of the 7 medical call out was made had blood stains on 8 their clothes? Did anybody bring that to your 9 attention? 10 A. No, sir. 11 Q. All right. Do you agree with me that 12 that suggests they might have had some 13 involvement in the attack on Daquan Wallace? 14 MS. MULLALLY: Objection. You can 15 answer, if you know. 16 A. No. I couldn't say that. It's so much 17 going on, they could have gotten blood from 18 anywhere. Then some of the uniforms, we 19 already -- it may appear we can't get them out 20 when they wash the uniforms. 21 Sometimes we issue -- they are issued 22 uniforms that may have stains on them.</p>	<p>132</p> <p>1 A. Yes, sir. 2 Q. What about the lights in the cells, were 3 they on all the time? 4 A. Offenders have control over them. The 5 officers can turn them on. When they walk the 6 tier, they turn them on so they can see inside 7 the cells. But the offenders have control of the 8 lights in the cell. 9 Q. Did you ever personally review any of 10 the video associated with this event? 11 A. I can't say if I did. If I did, I would 12 have wrote -- written it on the cover sheet. 13 Q. In the Serious Incident Report? 14 A. Yes, sir. 15 Q. I will show you Exhibit 10, which is the 16 Serious Incident Report, and if you will take a 17 look at it. Let me know, does it reflect whether 18 you read -- whether you looked at any video? 19 A. Where the cover sheet, the one -- 20 Q. I think we marked that as something 21 else. That was one of the ones we looked at 22 earlier.</p>

Transcript of Karen Moore
Conducted on December 5, 2018

34 (133 to 136)

<p>133</p> <p>1 A. Yes, sir.</p> <p>2 Q. Hold on a minute. Exhibit 13, is that</p> <p>3 what you are referring to?</p> <p>4 A. Yes, sir.</p> <p>5 Q. So you -- have you now reviewed all the</p> <p>6 records you need to review to determine whether</p> <p>7 or not you looked at any videotape?</p> <p>8 A. Yes, sir.</p> <p>9 Q. All right. And did you look at any</p> <p>10 videotape in connection with this incident?</p> <p>11 A. No, sir.</p> <p>12 Q. Do you know who would have made that</p> <p>13 kind of review?</p> <p>14 A. The investigators.</p> <p>15 MR. HANSEL: Okay.</p> <p>16 A. The regional as well as the internal.</p> <p>17 Q. When the -- based on what we have looked</p> <p>18 at, if you need to flip through anything, it's</p> <p>19 all here, but in terms of who would have been</p> <p>20 physically on -- at G section and able to lock</p> <p>21 and unlock doors at the time when they are</p> <p>22 leaving for feed up, during feed up and when they</p>	<p>135</p> <p>1 Q. Okay. And in this case, when it came</p> <p>2 time to ensure that all of the cells were empty</p> <p>3 and secure, the person who wrote that they had</p> <p>4 done that, I think, was --</p> <p>5 A. Rene.</p> <p>6 Q. -- was Rene, right? Rene didn't mention</p> <p>7 having any other officers with him?</p> <p>8 A. No.</p> <p>9 Q. And while the officers are eating, would</p> <p>10 it ordinarily be the case that Rene was in the</p> <p>11 chow hall or could Rene go back and forth?</p> <p>12 A. He would have stayed on the section.</p> <p>13 Q. Okay. All right. So while everyone was</p> <p>14 at feed up, the only officer on the section would</p> <p>15 have been Jackens Rene?</p> <p>16 A. Yes, sir.</p> <p>17 Q. All right. So if the attack happened</p> <p>18 during feed up, the only officer in the vicinity</p> <p>19 would have been Jackens Rene. Is that right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. All right. Did you know an</p> <p>22 officer by the name of Tamara Patterson?</p>
<p>134</p> <p>1 are coming back, and the time during when -- the</p> <p>2 time frame when this assault occurs, obviously,</p> <p>3 Jackens Rene is one of those people based on what</p> <p>4 we have seen?</p> <p>5 A. Yes, sir. He was the assigned officer.</p> <p>6 Q. Is there anybody else who would have had</p> <p>7 that kind of access besides Jackens Rene at the</p> <p>8 time based on what we have seen today?</p> <p>9 A. During chow? During chow, he would have</p> <p>10 had assistance from the officers who were</p> <p>11 assigned to the chow hall.</p> <p>12 MR. HANSEL: Okay.</p> <p>13 A. And then the sergeants.</p> <p>14 Q. Would they ever -- would the officers</p> <p>15 assigned to the chow hall or the sergeants ever</p> <p>16 be back on the -- on G section with him, or are</p> <p>17 they just assisting?</p> <p>18 A. When they -- when they go to chow, they</p> <p>19 come and assist them with the mass movement. And</p> <p>20 when they return from chow, they will assist them</p> <p>21 with the mass movement by ensuring all the cells</p> <p>22 are secured.</p>	<p>136</p> <p>1 A. She's a lieutenant.</p> <p>2 Q. Okay. A lieutenant. Did you ever have</p> <p>3 any problems or concerns with the lieutenant,</p> <p>4 Lieutenant Patterson?</p> <p>5 A. No, sir.</p> <p>6 Q. Based on what we have looked at today,</p> <p>7 do you have some concern that Officer Rene was</p> <p>8 involved in the attack on Daquan Wallace?</p> <p>9 A. I wouldn't say that he had anything to</p> <p>10 do with Daquan Wallace.</p> <p>11 Q. Okay. All right. Have you ever had any</p> <p>12 disciplinary issues at all? Have you ever been</p> <p>13 written up for anything?</p> <p>14 A. Once when I first started -- not when I</p> <p>15 first started. I was assigned to Central</p> <p>16 Booking, and officers from another facility, MTZ,</p> <p>17 came to Central Booking and they took a set of</p> <p>18 keys home.</p> <p>19 MR. HANSEL: Oh, my goodness.</p> <p>20 A. But they weren't -- it wasn't my keys.</p> <p>21 It was just my floor.</p> <p>22 MR. HANSEL: Okay.</p>

Transcript of Karen Moore
Conducted on December 5, 2018

35 (137 to 140)

<p>137</p> <p>1 A. I got a counseling for it.</p> <p>2 Q. Okay. Other than that, you never had</p> <p>3 any complaints against you on the job?</p> <p>4 A. No, sir.</p> <p>5 Q. All right. And there are two different</p> <p>6 cases involving Mr. Wallace. Setting those</p> <p>7 aside, have you ever been a Defendant in another</p> <p>8 lawsuit or have you ever been involved in any way</p> <p>9 in any other lawsuits?</p> <p>10 A. Say that again, sir.</p> <p>11 Q. Other than associated with Daquan</p> <p>12 Wallace, my client, have you ever had any other</p> <p>13 lawsuits?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. How many?</p> <p>16 A. One.</p> <p>17 Q. All right. And tell me about that.</p> <p>18 What -- what was that case about?</p> <p>19 THE WITNESS: Can I?</p> <p>20 MS. MULLALLY: Yes, you can.</p> <p>21 A. It was on an offender. He lost his eye.</p> <p>22 Q. Okay. And that was a case that the</p>	<p>139</p> <p>1 So he was basically a mule that went</p> <p>2 around the facilities and passed things, and he</p> <p>3 may have worked with investigators like giving</p> <p>4 information. But he had -- he did a lot of</p> <p>5 things that he wasn't supposed to.</p> <p>6 So I wouldn't blame the officer for him</p> <p>7 being assaulted. I'm just saying that he might</p> <p>8 have gotten in trouble for things that he has</p> <p>9 done, and the offenders picked up on it, and that</p> <p>10 is why he was assaulted.</p> <p>11 Q. Okay. But that's not the case for</p> <p>12 Mr. Wallace, right?</p> <p>13 A. I'm not going to say, because I don't</p> <p>14 know exactly what happened with Mr. Wallace.</p> <p>15 MR. HANSEL: Okay.</p> <p>16 A. But the entire time he has been at the</p> <p>17 facility, he was never a problem or issue with me</p> <p>18 on my shift.</p> <p>19 Q. Okay. Okay. Now, Mr. Wallace had</p> <p>20 expressed some concerns to some people, and I</p> <p>21 don't know if they have made it to your attention</p> <p>22 or not, but he had expressed some concerns to</p>
<p>138</p> <p>1 offender's name was Larry Washington. Does that</p> <p>2 sound right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And as I understand it, Mr. Washington's</p> <p>5 claim is similar to Mr. Wallace's in the</p> <p>6 following sense: That he was -- he claims that</p> <p>7 officers at the Baltimore City Detention Center</p> <p>8 permitted an attack to occur on him. Is that</p> <p>9 roughly the case?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. All right. And in that case, in</p> <p>12 the Washington case, do you believe that officers</p> <p>13 permitted an attack to occur on Mr. Washington?</p> <p>14 A. I don't think -- the difference in</p> <p>15 Mr. Washington is totally different from --</p> <p>16 Q. Mr. Wallace?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Tell me what you mean by that.</p> <p>19 A. He's -- I never had any problems or</p> <p>20 issues with Mr. Wallace. Mr. Washington, on the</p> <p>21 other hand, is a whole different character. He's</p> <p>22 an old offender.</p>	<p>140</p> <p>1 some people at the facility, and I think his mom</p> <p>2 had called and expressed some concerns, or family</p> <p>3 members, that he felt that he was the target of</p> <p>4 gang violence and gang threats, particularly from</p> <p>5 BGF, before this attack.</p> <p>6 He had one, you know -- I will just fill</p> <p>7 you in. It doesn't matter to me. If you want to</p> <p>8 see documents, we can pull them out. But he had</p> <p>9 some prior assaults.</p> <p>10 He had a time in front of a judge when</p> <p>11 he was beat so bad that the judge was commenting</p> <p>12 on it after he had been at the facility. So he</p> <p>13 had some prior incidents that we can pretty well</p> <p>14 document. He have a judge saying: Hey, he looks</p> <p>15 beat up, that kind of thing.</p> <p>16 So he had some prior problems, and he</p> <p>17 and family members had raised concerns. I don't</p> <p>18 know that any of that ever crossed your desk.</p> <p>19 So my question is were you aware of any</p> <p>20 of that? Did any of that ever cross your desk?</p> <p>21 A. I can't say. It may not have crossed my</p> <p>22 desk. I wasn't aware of any of it. It could</p>

<p style="text-align: right;">Page 77</p> <p>1 A. I'm not a supervisor. I'm a 2 team leader. But I don't make those decisions. 3 Now, I can go and tell her that I don't think 4 that he should be in there. You know what I 5 mean? And they're going to listen based on, you 6 know, they should, but, you know -- 7 Q. Have you ever been aware of 8 transfers happening without the appropriate 9 approvals when you were working there? Did that 10 ever happen? 11 A. No. 12 Q. I mean other than this time? 13 A. No. 14 Q. Okay. We'll mark this if it 15 means anything to you. But I just want to see 16 if this means anything to you first. There was 17 a note that was produced to me that came out of 18 the investigative file in this case, and it was 19 a note about, from an inmate that was anonymous 20 that was put into some kind of suggestion box is 21 the way it's been described to me. Do you</p>	<p style="text-align: right;">Page 79</p> <p>1 one copy? Is it an exhibit? 2 MR. HANSEL: I didn't mark it. 3 But I'll make you a copy. 4 MS. MULLALLY: Well, I have a 5 copy. As long as it's not an exhibit, that's 6 fine. 7 MR. HANSEL: Yeah. A lot of 8 times I don't mark stuff as exhibits because 9 then I just have buy it back from court 10 reporter. If the witness doesn't know anything 11 about it, you know, I don't need it necessarily. 12 I'll make it an exhibit if you like. 13 MS. MULLALLY: No. 14 MR. HANSEL: All right. Then 15 we both have to buy it back from the court 16 reporter. 17 Q. (By Mr. Hansel) What can you 18 tell me about Lieutenant Patterson? 19 A. She is by the book. No 20 deviations, no questions, she is strictly by the 21 book. She's going to do it the way it's</p>
<p style="text-align: right;">Page 78</p> <p>1 remember anything about that note or receiving 2 it or anything? 3 A. No. 4 Q. I don't have any reason to 5 believe you've ever seen it before. I'm just 6 curious. 7 A. Hunh-huh. 8 Q. All right. Do you remember a 9 prisoner by the name of Harris Bilal? And I may 10 be mispronouncing his last name so I'm going to 11 spell it for you, B-i-l-a-l. He was in G 12 Section. And I know it wasn't necessarily where 13 you worked, but do you know anything about that 14 person? 15 A. Harris? 16 Q. Yes. 17 A. No. And again, I would have to 18 see his face because a lot of them I've got to 19 see their face. 20 Q. I understand. 21 MS. MULLALLY: Do you just have</p>	<p style="text-align: right;">Page 80</p> <p>1 supposed to be done. She's going to report it 2 if it should be reported. She's going to tell 3 if it's supposed to be told. She is going to do 4 her job. 5 Q. What about an officer that's, 6 I'm going to let you know it's a male because 7 the name's a little bit unusual, named Jackens, 8 J-a-c-k-e-n-s, Rene is R-e-n-e? 9 A. I don't really know him that 10 well. I think he came to our building maybe a 11 couple times and he seemed to be a good officer, 12 but I really don't know his character because I 13 don't really know him. 14 Q. All right. Are you aware of 15 any legal or disciplinary trouble either 16 Patterson or Rene have had? 17 A. No. 18 Q. When a transfer like this is 19 physically being made, as I understand it, the 20 form that we've marked as Exhibit 2 accompanies 21 the inmate from his previous assignment to his</p>

LISA PORTEE
WALLACE vs STATE OF MARYLAND

July 02, 2018

1-4

Page 1		Page 3	
IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND NICOLE WALLACE, et al. * Plaintiffs * V. * Case No. STATE OF MARYLAND, et al. * 24-C-17-006410 Defendants *		I N D E X PAGE WITNESS LISA PORTEE BY MR. HANSEL..... 5	
DEPOSITION OF LISA PORTEE July 2, 2018 9:56 a.m. 2514 North Charles Street Baltimore, Maryland 21218 Linda S. Feeney, RPR			
Page 2		Page 4	
APPEARANCES OF COUNSEL For the Plaintiffs: CARY J. HANSEL, ESQ. HANSEL LAW, PC 2514 North Charles Street Baltimore, Maryland 21218 301-461-1040 Office phone Cary@hansellaw.com E-mail For the Defendants: LAURA MULLALLY, ESQ. OFFICE OF THE ATTORNEY GENERAL DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES 300 E. Joppa Road Suite 1000 Towson, MD 21286 410-339-7562 Office phone Laura.mullally@maryland.gov E-mail		INDEX OF EXHIBITS NUMBER DESCRIPTION MARKED 1 Photograph..... 48 2 Transfer of Housing Agreement..... 49 3 Photograph..... 96 4 Photograph..... 97 5 Matter of Record - Continuation/ Supplement Report..... 102 6 Matter of Record - Information Report..... 103 7 Photograph..... 107 8 BCDC Central Records..... 152 (attached to transcript)	

Page 49

1 Q. (By Mr. Hansel) Ms. Portee,
2 before we went off the record, I had a chance to
3 share with you what has now been marked as
4 Portee 1, meaning Exhibit 1 of your deposition.
5 It's a photograph of Daquan Wallace from his
6 inmate file. It includes his SID number. Did
7 anything about that photograph refresh your
8 recollection in any way?
9 A. No.
10 Q. Okay. Do you recall ever
11 seeing Daquan Wallace before based on that
12 photograph?
13 A. No. He looks familiar, but I
14 can't, I don't remember him. I can't.
15 Q. You don't remember him or his
16 name or his inmate ID number, any detail about
17 him; is that --
18 A. Nothing at all.
19 Q. Fair enough.
20 (Whereupon, Deposition
21 Exhibit No. 2 was marked

Page 50

1 for identification.)
2 Q. (By Mr. Hansel) Sergeant
3 Portee, I have now shared with you Exhibit No.
4 2. And what I just want to do first is make
5 sure we know what we're looking at, or I know
6 what we're looking at rather. Ignoring the
7 handwriting and just looking at the typed
8 information on this form, are you familiar with
9 this type of form?
10 A. Yes.
11 Q. All right. And it says up
12 there at the top, transfer of housing
13 assignment. Is that self-explanatory? Is that
14 what it is?
15 A. Yep, yes.
16 Q. Am I correct that during your
17 time at BCDC this was the type of form that had
18 to be filled out to transfer the housing
19 assignment of a detainee?
20 A. Yes.
21 Q. And now looking towards the

Page 51

1 handwriting on the form, do you recognize your
2 handwriting anywhere on the form?
3 A. Yes.
4 Q. Where?
5 A. I wrote his name, his ID
6 number, his location, the request was made by
7 me; Sergeant Portee, the date, and the
8 explanation.
9 Q. Okay. And once we get down to
10 the words recommended type of housing, did you
11 write anything below that line, any of the
12 handwriting that appears below that line, is any
13 of that yours?
14 A. No.
15 Q. Now, I know who Rene, Jackens
16 or Jackens is. I think I know who this
17 lieutenant is, but do you recognize this
18 lieutenant's signature after tower/building
19 supervisor signature of review?
20 A. Lieutenant Patterson?
21 Q. Yes.

Page 52

1 A. You talking about this one or
2 this one, (indicating)?
3 Q. The one that's next to
4 tower/building supervisor signature of review.
5 Who is that?
6 A. That's Lieutenant Patterson.
7 Q. All right. That's what I
8 thought.
9 Then down below traffic office
10 housing assignment I don't even deem it a
11 signature, a squiggle, where it says authorized.
12 Have you seen such a signature or squiggle
13 before?
14 A. No.
15 Q. Do you recognize who that might
16 have been who signed it?
17 A. No.
18 Q. Did you, do you know who was
19 working as the supervisor that would sign a form
20 like this at the traffic office housing
21 assignment at the time? This is, the form is

Page 53

1 dated 12/18/14, so in 2014.
2 A. Do I know -- give me your
3 question again.
4 Q. Sure. Neither one of us can
5 read this squiggle.
6 A. Right.
7 Q. So what I'm trying to do is
8 figure out who it might have been so I can
9 follow up. So the question is: It says it's to
10 be signed by the traffic officer. Do you know
11 who the traffic officers were at the time in
12 December of 2014?
13 A. Yes. But they don't write like
14 that.
15 Q. That's what I think. I agree
16 with you. But do you know who -- what are their
17 names?
18 A. Lieutenant Christian, she was
19 in charge of traffic.
20 Q. Yes, ma'am. And who else?
21 A. Sergeant Sinkler.

Page 54

1 Q. Who else?
2 A. Officer George.
3 Q. Who else?
4 A. And is that it?
5 Q. You got a lieutenant, a
6 sergeant and an officer. It's just Traffic. Is
7 that everybody?
8 A. They had different people in
9 there sometime.
10 Q. Let me put it to you this way.
11 Through your training -- or through your
12 experience, rather, did you become familiar with
13 all of those signatures, everybody who worked in
14 Traffic at this time in 2014?
15 A. Kind of, yeah. I mean, because
16 they wrote legible. They didn't write like
17 that.
18 Q. So can you agree with me that
19 this squiggle does not appear to be the
20 signature of anybody in Traffic who you
21 recognize; is that fair?

Page 55

1 A. That's fair.
2 Q. And, in fact, as part of your
3 training, whether on the job or your more formal
4 training, as an officer, you're taught the
5 importance of paperwork, right?
6 A. Yes.
7 Q. Okay. And you're taught the
8 importance of being able to identify who signed
9 off on various moves, right?
10 A. Right.
11 Q. So, for instance, when I look
12 at where it says request made by, I can very
13 easily make out Sergeant Portee where you signed
14 it, right?
15 A. That's right.
16 Q. So I take it that you endeavor
17 to make your name legible when you sign
18 documents like this; is that right?
19 A. That's right.
20 Q. Even when I look at Lieutenant
21 Patterson it's a little messier, but we can make

Page 56

1 out Patterson. We can make out LT for
2 lieutenant. So both the rank and the name is
3 legible. Do you agree with that?
4 A. I do.
5 Q. As part of your training and
6 experience, it's important when filling out
7 these documents to make your name and rank
8 legible so that people can later determine who
9 filled out the documents, who wrote the name,
10 who approved transfers, things like that, right?
11 A. That's right.
12 Q. That's for lack of a better
13 term, drilled into you in your training there,
14 right?
15 A. Right.
16 Q. So, and even down below when
17 Officer Rene, Jackson -- Jackens filled it out,
18 or Jackens Rene, I'm sorry, whichever it is,
19 filled it out, we can see where it says Rene
20 down there, right?
21 A. That's correct.

Page 57

1 Q. Do you agree with me it's
2 unusual that this signature that appears or
3 squiggle really, that appears above traffic
4 officer signature, is illegible both in terms
5 of the name and in terms of any rank that might
6 be there?
7 A. Right.
8 Q. Now, when I look at it I don't
9 even see any letters at all. Looks like a bunch
10 of loops. Can you make out any letters at all?
11 A. No.
12 Q. Okay. Me neither. We're in
13 agreement there.
14 All right. Now, do you
15 recognize the G or the 35, that handwriting?
16 And it may well be yours. It may be --
17 A. No, that's not mine.
18 Q. -- Patterson's, it may be Rene.
19 I don't know.
20 A. No.
21 Q. All right. Understood.

Page 58

1 Do you agree with me that what
2 this form looks like -- and I'm not suggesting
3 you did this, because it looks like a different
4 pen and doesn't look like your handwriting, but
5 I don't know. What this form looks like is that
6 somebody didn't get the traffic officer
7 signature and then put this squiggle there
8 instead?
9 A. I can't really say.
10 Q. All right.
11 A. I don't know.
12 Q. But you certainly don't
13 recognize that squiggle as any legitimate
14 signature from anybody you've ever worked with
15 in Traffic, do you?
16 A. No, I don't.
17 Q. All right. It says here,
18 detainee extorting other detainees for
19 commissary and phone privileges.
20 Reading that, does that ring
21 any bells as to Daquan Wallace or this incident

Page 59

1 or anything like that? Do you now remember this
2 guy who was in Section J, Bed 531 in 2014?
3 A. No.
4 Q. So you can recognize, in
5 fairness, your handwriting, but other than that,
6 you don't recall anything about this transfer or
7 this prisoner; is that right?
8 A. Right.
9 Q. And then the -- who is it that
10 decides -- let me go back a step.
11 You don't remember -- it says
12 here detainee extorting other detainees. You
13 don't remember the other detainees or what was
14 being extorted, other than what it says here, or
15 how much or what was involved, nothing like
16 that?
17 A. No, hunh-huh.
18 Q. All right. And do you know if
19 this was filled out before or after the
20 transfer, the part you wrote, if you know?
21 A. I'm not, I'm not understanding

Page 60

1 your question.
2 Q. Okay. Well, let me ask it
3 another way. The date's filled out, but there's
4 no time filled out for your request.
5 A. Okay.
6 Q. Do you agree with me there?
7 A. Usually when I do the transfers
8 I don't put a time in.
9 Q. Why not?
10 A. I don't know. We just -- I
11 just -- I don't know. Just don't.
12 Q. And then just so I understand
13 the form, and I've got a guess, but just to help
14 me make sure I understand. Down here where it's
15 about halfway down above recommended type of
16 housing, above that, it's not in that section,
17 there's something that says H-1, H-2, H-3, and
18 then it has a medical staff, name, signature.
19 What is that for?
20 A. So if they have, if they're
21 H-1, H-2, that means they have to be in the air

<p style="text-align: right;">Page 69</p> <p>1 operations captain, when applicable.</p> <p>2 A. Umh-humh.</p> <p>3 Q. You see that?</p> <p>4 A. Umh-humh.</p> <p>5 Q. Yes, in other words? I'm</p> <p>6 sorry.</p> <p>7 A. Yes. I'm sorry. Yes.</p> <p>8 Q. You're doing great.</p> <p>9 So who was the shift commander</p> <p>10 at the time, if you know?</p> <p>11 A. I don't know.</p> <p>12 Q. Okay. What rank would that</p> <p>13 person have been?</p> <p>14 A. Captain or major.</p> <p>15 Q. Okay. And captain or major</p> <p>16 would be above lieutenant, right?</p> <p>17 A. Right.</p> <p>18 Q. So this form needed a signature</p> <p>19 of somebody above Lieutenant Patterson or else</p> <p>20 it's void, right, the transfer can't be made; is</p> <p>21 that correct?</p>	<p style="text-align: right;">Page 71</p> <p>1 have the captain or major's signature on the</p> <p>2 line, right?</p> <p>3 A. Right. It should have been</p> <p>4 questioned. I would have questioned it as an</p> <p>5 officer.</p> <p>6 Q. It even says right there it's</p> <p>7 void without that signature, right?</p> <p>8 A. Umh-humh.</p> <p>9 Q. Is that a yes?</p> <p>10 A. That's a yes.</p> <p>11 Q. All right. And who were the</p> <p>12 captains or majors at the time that might have</p> <p>13 signed that? Do you remember their names? It's</p> <p>14 okay if you don't.</p> <p>15 A. No.</p> <p>16 Q. All right. And they certainly</p> <p>17 wouldn't have been in traffic, that was the</p> <p>18 captain or major that was overseeing this</p> <p>19 particular, that was in JI, right?</p> <p>20 A. No. We didn't have a captain</p> <p>21 or a major.</p>
<p style="text-align: right;">Page 70</p> <p>1 A. Right.</p> <p>2 Q. And this is going to be the</p> <p>3 easiest question I'm going to ask you. Is there</p> <p>4 a question -- Is there a captain or a major</p> <p>5 signature on that line?</p> <p>6 A. No.</p> <p>7 Q. Okay. I told you it would be</p> <p>8 easy.</p> <p>9 And then down below, it also</p> <p>10 needed a traffic office signature; is that</p> <p>11 right?</p> <p>12 A. Right.</p> <p>13 Q. And then that's where we saw</p> <p>14 that squiggle that we couldn't figure out</p> <p>15 earlier?</p> <p>16 A. Right.</p> <p>17 Q. Do you agree with me there?</p> <p>18 A. I do.</p> <p>19 Q. All right. And so if given</p> <p>20 your experience and training, this is a transfer</p> <p>21 that should not have happened because it didn't</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Oh, okay.</p> <p>2 A. Sometimes we did, sometimes we</p> <p>3 didn't. But most likely we probably didn't.</p> <p>4 Q. But that person would be</p> <p>5 different, my point is, from the traffic</p> <p>6 officer?</p> <p>7 A. Right. If we had one in JI,</p> <p>8 Lieutenant Patterson would have signed it and</p> <p>9 they would have signed it. And then it would</p> <p>10 have went over to traffic. But most of the</p> <p>11 time, ninety-eight percent of the time, we</p> <p>12 didn't have one.</p> <p>13 Q. Got it.</p> <p>14 And then so it had to go to a</p> <p>15 captain or major --</p> <p>16 A. Yeah.</p> <p>17 Q. -- over in the jail side?</p> <p>18 A. Umh-humh.</p> <p>19 Q. Is that a yes?</p> <p>20 A. Yes.</p> <p>21 Q. And they obviously weren't in,</p>

<p style="text-align: right;">Page 81</p> <p>1 new assignment. In other words, an officer or 2 officers, depending on what's necessary, 3 transfers the inmate and they have with them 4 this form; is that right? 5 A. That's right. 6 Q. All right. And those officers, 7 part of their duty, obviously, is to look at the 8 form and make sure it's got the appropriate 9 approvals; is that right? 10 A. That's right. 11 Q. And the reason is you don't 12 want to be moving inmates around unless you've 13 got proper authority; is that right? 14 A. That's right. 15 Q. And they bring that form with 16 the inmate to the new assignment. And then at 17 the bottom of the form it says housing unit 18 officer verification, officer signature. When 19 they deliver the detainee to the new assignment 20 with the form, the receiving officer, for lack 21 of a better term, at the new assignment signs</p>	<p style="text-align: right;">Page 83</p> <p>1 them to you is going to take us twenty minutes 2 or half an hour. So I'm going to ask you a 3 long-winded question. If it's something you've 4 heard of, we'll get into the documents, get into 5 the heart of it. But if you have no idea, I 6 just don't want to waste time laying the 7 groundwork with a million documents for you to 8 tell me you've never heard of these events. 9 There was a warden or a 10 supervisor who was leaving the facility one 11 evening and was approached by a prior inmate who 12 was able to provide some information about the 13 attack on Mr. Wallace. Do you know anything 14 about that? 15 A. No. 16 Q. All right. Then I'm not going 17 to waste your time. 18 That got reported up the chain 19 of command. There's some e-mail exchanges about 20 that, and was eventually, as you might imagine, 21 investigated by the Internal Investigative</p>
<p style="text-align: right;">Page 82</p> <p>1 off at the bottom of the form; is that right? 2 A. That's right. 3 Q. So when we're looking at this 4 form when we see that this is one that the 5 receiving officer signed off on, we know that 6 this was the form as it appeared when it came 7 to, when the transfer was made because the 8 receiving officer has signed off. You following 9 me? 10 A. Umh-humh. 11 Q. Is that right? 12 A. That's right. 13 Q. Okay. In other words, what I'm 14 getting is this isn't like some kind of early 15 draft or something because if it was it wouldn't 16 have that receiving officer's signature, 17 correct? 18 A. Correct. 19 Q. All right. Now, I have some 20 documents that I can show you that I think would 21 suggest what I'm about to tell you. But showing</p>	<p style="text-align: right;">Page 84</p> <p>1 Division. Do you know anything about that 2 investigation? 3 A. No. 4 Q. Were you ever interviewed, to 5 the best of your recollection, by anybody with 6 Internal Investigations as a result of what 7 happened to Mr. Wallace? 8 A. No. 9 Q. Did anyone -- before today, has 10 anyone ever pointed out to you the concerns 11 about the transfer of housing assignment form? 12 A. No. 13 Q. Were you aware of that? 14 A. No. 15 Q. So today's the first day you're 16 seeing that? 17 A. Yes. 18 Q. Just by the look on your face, 19 it bothers you, right? 20 A. Yes, it does. 21 Q. It'd bother me, too. All</p>

Page 121

1 Section. So he may have been, I'm assuming, he
2 may have been down in Receiving waiting to go
3 upstairs to G Section and then he went and got
4 him from Receiving and took him upstairs.
5 Q. I see. So this sergeant, your
6 interpretation of events is that Sergeant Scipio
7 moved Wallace from one part of the building to
8 another part of the building?
9 A. Right.
10 Q. Instead of --
11 A. So our escort -- oh.
12 Q. That's okay. You're fine.
13 A. Our escort officer take him
14 over to BCDC, okay, I'm going to assume, he
15 probably put him in Receiving or down in a
16 Traffic bullpen. They have a bullpen down by
17 Traffic. Put him in Traffic bullpen waiting to
18 go upstairs and then Traffic will call Sergeant
19 Scipio and have him come and get him and say
20 this is where he's going and take him on up to G
21 Section.

Page 122

1 Q. Got it.
2 So physically, Mr. Wallace
3 leaves his cell at JI, then goes to either
4 Receiving or the Traffic bullpen at BCDC, and
5 then goes from that area, Receiving/Traffic
6 bullpen to G-35?
7 A. Right.
8 Q. And it was Sergeant Scipio who
9 took him on the last leg of that journey from
10 either Receiving or Traffic to G-35?
11 A. Yes.
12 Q. Okay. Got it.
13 And then he says there was also
14 assign transfer form from BCDC Traffic
15 transferring him to JI Building to G Section and
16 that is reference to this Portee Exhibit No. 2?
17 A. Yes.
18 Q. And do you know at the time or
19 recall who the officer was who took him from JI
20 to BCDC?
21 A. No.

Page 123

1 Q. Okay. I probably got a record
2 on that, but --
3 MS. MULLALLY: Can I interrupt?
4 MR. HANSEL: Sure.
5 MS. MULLALLY: Is that an
6 exhibit or not?
7 MR. HANSEL: I didn't mark it,
8 but I'm happy to if you want to. Doesn't
9 matter.
10 MS. MULLALLY: No.
11 MR. HANSEL: All right. Let's
12 go off the record for a minute.
13 (Discussion off the record.)
14 Q. (By Mr. Hansel) Over on the
15 BCDC side where these, where Mr. Wallace was
16 attacked, he was in G-35, if that helps you
17 place it, tell me about the surveillance
18 situation. What kind of cameras are there?
19 A. There aren't any cameras on the
20 tier. I think there's a camera in the hallway,
21 but there's none on the section.

Page 124

1 Q. Is it facing down the tier so
2 that you can see --
3 A. (Shaking head negatively.)
4 Q. -- at least movement in the
5 hall of the tier?
6 A. No. It's just in the hall to
7 see movement in the hall and then you go,
8 there's like a door that you go into the
9 section. No cameras in there.
10 Q. So there's no cameras at all in
11 G Section?
12 A. No.
13 Q. I've seen a logbook from G
14 Section over at BCDC. It records things like
15 the comings and goings of inmates, any
16 disturbances, officers, you know, walking around
17 and checking the section. Is there a similar
18 book at JI or was there in 2014?
19 A. Each section has a logbook.
20 Q. Okay. So JI, there's a logbook
21 and there'd be a logbook in the section where

Page 129

1 Patterson knew enough to fill out this form
2 that --
3 A. Something had to have been --
4 something was going on for me to have filled
5 that out, for Lieutenant Patterson to have told
6 me to fill that out. Something had to been
7 going on.
8 Q. So Lieutenant Patterson's
9 information that she told you was that the
10 detainee was extorting other inmates for
11 commissary and phone privileges, right?
12 A. Right. She may have gotten it
13 from an officer. I'm not going to question her;
14 like how do you know? I don't -- you know, she
15 tell me to write it, I'm going to write it.
16 Q. I hear you.
17 And you agree with me theft is
18 against the rules and an infraction, right?
19 A. Yes.
20 Q. And you agree with me
21 threatening force against somebody else is

Page 130

1 against the rules, an infraction?
2 A. Yes.
3 Q. And you agree with me actually
4 using force against somebody else is against the
5 rules and an infraction, right?
6 A. Yes.
7 Q. Are you aware whether or not
8 Daquan Wallace ever was written up for any of
9 those things or anything?
10 A. No, I'm not aware, no.
11 Q. All right. And certainly if
12 Lieutenant Patterson had information sufficient
13 that he was extorting other inmates for
14 commissary and phone privileges that should have
15 led to an infraction, right?
16 A. Yes, it would.
17 Q. All right. If I wanted to
18 know -- earlier we talked about the fact that
19 Mr. Wallace leaves JI and then goes to BCDC.
20 And you told me the couple of places he might
21 have ended up before that sergeant then moved

Page 131

1 him. If I wanted to figure out who the officer
2 was, the transport officer, who moved this form
3 around and then ultimately moved Mr. Wallace
4 around, where would that record be? What kind
5 of record would I be looking at? Am I looking
6 for the logbook at JI? Would it be somewhere
7 else? How would I find that?
8 A. You would look for the schedule
9 for the days, what's called the PAWS, P-A-W-S.
10 Q. Is that the computer program,
11 P-A-W-S?
12 A. Is that what that is?
13 Q. I don't know. You told me.
14 Don't let me put words in your mouth.
15 A. Well, it's called the PAWS. I
16 don't know what it means, but it's a schedule
17 that they fill in the names and where you're
18 going, what post you're going to assume for the
19 day, (indicating).
20 Q. When you were describing that
21 to me you held your hands up, moved your fingers

Page 132

1 like you were typing.
2 A. Yeah, I'm typing names in.
3 Q. So that leads me to think this
4 is probably on the computer?
5 A. Yes.
6 Q. That's what I was asking.
7 A. But printed out.
8 Q. Yes, ma'am.
9 A. Right.
10 Q. When you saw it, it was printed
11 out?
12 A. Right.
13 Q. But somewhere along the way it
14 was on a computer?
15 A. Right.
16 Q. All right. So there's a
17 schedule for that day. And that schedule for
18 your shift over at JI would include an assigned
19 transport officer, is that how it works?
20 A. Yes.
21 Q. So I could look at December 18,

Page 133

1 2014 in the PAWS printout for the 11 to 3 shift
2 and know who the transport, --
3 A. 7 -- oh, for the next shift.
4 Q. I'm sorry. For your shift.
5 A. For my shift.
6 Q. -- and know who the transport
7 officer was who would have held this form at
8 some point --
9 A. Yes.
10 Q. -- that's Exhibit 2; is that
11 right?
12 A. Yes.
13 Q. All right. And then likewise,
14 I could look at the same PAWS report for the
15 next shift and figure out who the transport
16 officer was that might have actually physically
17 moved him over; is that right?
18 A. Yes.
19 Q. Assuming that happened in that
20 shift. I'm not asking you to guess on that.
21 A. Now, as long as everything goes

Page 134

1 accordingly. Now, if a situation arise and we
2 had to pull that officer to do something else,
3 need to get somebody else to do it. But if
4 everything is going smoothly, then yes.
5 Q. In the ordinary course when a
6 transport officer moves an inmate, do they file
7 an Information report just stating that they've
8 moved the inmate or not?
9 A. No.
10 Q. So is there any other way other
11 than the PAWS scheduling system that I would
12 know who did the physical transfer from JI to
13 somewhere in BCDC of Mr. Wallace?
14 A. No.
15 Q. And you obviously, you've -- I
16 think you made this very clear. But just to
17 triple check because we've been talking,
18 sometimes people's memories will jog. You don't
19 remember that transfer of Mr. Wallace or the
20 reasons for it or even anything that you wrote
21 on this form other than reading it today; is

Page 135

1 that right?
2 A. That's right.
3 Q. And you don't remember any
4 complaints or concerns because you don't
5 remember Mr. Wallace at all.
6 A. Right.
7 Q. Or you don't remember any
8 complaints or concerns he raised, do you?
9 A. No.
10 Q. And did you ever speak to -- I
11 don't have any reason to think that you did, but
12 I'll let you know that his mother, Nicole
13 Wallace, called a number of times and spoke to
14 folks. I think I know who she spoke to, and I
15 don't think you were one of them, but I want to
16 ask. Did you ever speak to Nicole Wallace about
17 concerns she had about her son's safety prior to
18 these instances?
19 A. No.
20 Q. Do you know if Lieutenant
21 Patterson is currently employed by the State?

Page 136

1 A. I believe she still is.
2 Q. Where is Lieutenant Patterson
3 currently employed?
4 A. MTC.
5 Q. And do you know if Officer
6 Jackens -- or maybe some other right now, but at
7 the time anyway, Officer Jackens Rene is still
8 employed by the State?
9 A. I don't know.
10 Q. And what about -- was it Betty
11 or Betsy Johnson? I apologize. What about
12 Warden Johnson?
13 A. I don't think she is.
14 Q. Do you know why she is no
15 longer employed by the State or what happened
16 there?
17 A. No.
18 Q. Did she just retire on her own
19 accord, or do you know?
20 A. I'm assuming. I really don't
21 know.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NICOLE WALLACE, et al.

Plaintiffs,

v.

MAYOR AND CITY COUNCIL,
BALTIMORE CITY, et al.

Defendants.

:
:
:
:
Civil Action No.:
CCB-17-3718
:
:
:
:
:
:

Deposition of:

NICOLE WALLACE

a witness, called for examination by counsel for the
Defendant, taken in the above-entitled cause, before
Bryson Dudley, a Court Reporter and Notary in and for
the State of Maryland, pursuant to notice and
agreement as to time and place, on October 26, 2018,
at 300 East Joppa Road, Suite 1000, Towson, Maryland
21286, where were present on behalf of the respective
parties:

Veritext Legal Solutions
Mid-Atlantic Region
1250 Eye Street NW - Suite 350
Washington, D.C. 20005

Nicole Wallace

<p style="text-align: right;">Page 22</p> <p>1 Q. Well, I'm just seeing if you know. I'm</p> <p>2 testing your memory to see if you know anything.</p> <p>3 A. I don't know Ms. Johnson first name either.</p> <p>4 When I talked to somebody named Ms. Johnson, she was a</p> <p>5 warden.</p> <p>6 Q. Okay. Do you know who Ricky Foxwell is?</p> <p>7 A. No.</p> <p>8 Q. How about Ericka Shard?</p> <p>9 A. No.</p> <p>10 Q. How about Stephen Moyer?</p> <p>11 A. No.</p> <p>12 Q. Okay. Now, so you know a Ms. Patterson and</p> <p>13 you know a Ms. Johnson?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And do you have any personal</p> <p>16 knowledge about their connection, if any, to Daquan</p> <p>17 Wallace?</p> <p>18 A. He was just in the same jail that they</p> <p>19 worked.</p> <p>20 Q. Other than that, do you have any details</p> <p>21 about them --</p>	<p style="text-align: right;">Page 24</p> <p>1 know you're eager to answer my questions. Let me</p> <p>2 finish the question and then you give me the answer.</p> <p>3 A. Oh, I thought you was finished. Sorry.</p> <p>4 Q. No.</p> <p>5 A. I'm sorry.</p> <p>6 Q. That's all right. Now has any eyewitness to</p> <p>7 your son's injury spoken to you about how he was</p> <p>8 injured?</p> <p>9 A. No.</p> <p>10 Q. Did anyone tell you, I saw it, and this is</p> <p>11 what went down?</p> <p>12 A. No.</p> <p>13 Q. Okay. Do you know of any eyewitnesses,</p> <p>14 whether you've spoken to them or not?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Tell me about that.</p> <p>17 A. I don't know. I just heard that somebody</p> <p>18 was arrested, got released, hung around outside of</p> <p>19 where you get released at. When they seen a warden,</p> <p>20 they walked to the warden, and told the warden what</p> <p>21 happened to him.</p>
<p style="text-align: right;">Page 23</p> <p>1 A. No, not --</p> <p>2 Q. -- you could give me?</p> <p>3 A. Outside? I don't get what you said.</p> <p>4 Q. All right. So you say that they worked in</p> <p>5 the jail where your son was.</p> <p>6 A. Yes.</p> <p>7 Q. Do you know what -- did they have a</p> <p>8 relationship with your son, as far as you knew?</p> <p>9 A. No. About me keep -- only relationship I</p> <p>10 know of is me keep calling her.</p> <p>11 Q. And when you kept calling, who were you</p> <p>12 calling?</p> <p>13 A. I was calling the warden, Ms. Patterson and</p> <p>14 Ms. Johnson. They were the two that I was mainly</p> <p>15 talking to.</p> <p>16 Q. Now were the people you were calling, were</p> <p>17 they a mix of males and females, or were they all</p> <p>18 females to your best --</p> <p>19 A. When I called the -- it was a mix before</p> <p>20 they transfer me.</p> <p>21 Q. Now let me just go over another point. I</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. Now I'm not going to ask you -- if</p> <p>2 your lawyer -- I don't want to know what your lawyer</p> <p>3 may have told you. Did you hear from anyone other</p> <p>4 than your lawyer?</p> <p>5 A. About that?</p> <p>6 Q. Yeah.</p> <p>7 A. I don't remember who told me this.</p> <p>8 Q. Okay.</p> <p>9 A. Somebody -- I can't remember who told me</p> <p>10 that. I really can't.</p> <p>11 Q. Well, what do you believe happened to your</p> <p>12 son in jail that day?</p> <p>13 A. What I believe happened?</p> <p>14 Q. Yes.</p> <p>15 A. My son didn't want to join that gang</p> <p>16 initiation. He done told me this several times.</p> <p>17 Q. Okay.</p> <p>18 A. And they attacked my --</p> <p>19 Q. Okay. So you believe that he was injured</p> <p>20 because he wouldn't join the gang?</p> <p>21 A. Yes.</p>

Nicole Wallace

<p style="text-align: right;">Page 26</p> <p>1 Q. Do you know the name of the gang, what kind 2 of gang it is? 3 A. What is that, Black -- is it BGB? GB -- 4 Q. BGB? 5 A. Yes. 6 Q. Black Guerrilla Family? 7 A. Yes. 8 Q. Okay. Did you know anything about the Black 9 Guerrilla Family before you had conversations with 10 Daquan about it? 11 A. No. Only like what you hear on the news. 12 Q. Okay. 13 A. That's all. 14 Q. All right. Now did you know anything about 15 your son being targeted for rape or rapes? 16 A. Huh? 17 Q. Rape. 18 A. Rape? 19 Q. Yes, the crime of rape. 20 A. My son was charged with rape? 21 Q. No, no, no. Do you know or do you believe</p>	<p style="text-align: right;">Page 28</p> <p>1 fights? 2 A. Only thing I know he called me. 3 Q. Okay. 4 A. He would call me and tell me he was 5 fighting. 6 Q. All right. How would he call you? 7 A. On the phone. 8 Q. All right. And when he called, do you have 9 a land line or your cell phone? 10 A. My cell. 11 Q. Did your son have money in his account or 12 did you take it as a collect call? 13 A. You got to have money on the account for a 14 cell phone. 15 Q. All right. Now how many times did he tell 16 you that he was in fights because he wouldn't join the 17 gang? 18 A. Multiple times. It was more than like -- 19 five or six times. 20 Q. And do you remember the dates that he told 21 you this? You can start with the month and the year,</p>
<p style="text-align: right;">Page 27</p> <p>1 that someone was trying to harm your son by raping 2 him? 3 A. No. 4 Q. Did he ever tell you that he was being 5 targeted for rapes or sexual abuse in any way? 6 A. No. 7 Q. Did anyone ever give you any information 8 that says that he was targeted for rape? 9 A. No. 10 Q. And it's fair enough for me to -- the reason 11 I ask, it's not that I know this, it's that it's in 12 the complaint that was filed in this case. And I 13 wanted to know if it was true or if you knew it was 14 true. 15 A. Somebody filed that? 16 Q. I'll let you talk to Ms. Sutherell about 17 that. 18 A. No, I didn't. 19 Q. Okay. Now, I think, and you've sort of 20 alluded to this before in the deposition. What do you 21 know about your son Daquan Wallace being targeted for</p>	<p style="text-align: right;">Page 29</p> <p>1 if that helps. 2 A. Okay. The first time he talk -- called and 3 told me this was in October 2014. 4 Q. 2014. 5 A. He called me and told me he was fighting. 6 Three days later, he had called me, told me he was 7 fighting. So it was like, probably like two or three 8 times a week. Then a lot of times he wouldn't tell 9 me. 10 Q. Okay. Now let's break that down. When your 11 son says, says or said to you I'm fighting, what does 12 that mean to you? 13 A. Fighting, put up your guard and you're 14 swinging. 15 Q. Okay. So fistfighting? 16 A. Fistfighting. 17 Q. And did he ever tell you whether -- who 18 would start these fights? 19 A. They would. 20 Q. When you say they, who do you -- 21 A. The people in the jail.</p>

Nicole Wallace

<p style="text-align: right;">Page 30</p> <p>1 Q. So when you say the people in the jail, are 2 you talking about employees or detainees? 3 A. I don't know. I can't say because I wasn't 4 there. 5 Q. All right. 6 A. But I know he's fighting the guys at the 7 jail. And it got to the point it was three or four on 8 him at one time. 9 Q. Okay. Now how do you know that it got to 10 the point that there were three or four on him at one 11 time? 12 A. When they Daquan called me, my son never 13 told me, ma, I don't want to die. 14 Q. He never -- 15 A. The first time he told me this ever, ma, I 16 don't want to die, and I got to get out of here. I'm 17 tried of fighting. 18 Q. When did he tell you this, as far as you 19 know? 20 A. This is in November. 21 Q. Of 2014?</p>	<p style="text-align: right;">Page 32</p> <p>1 he snitch, they was going to kill him. 2 Q. So as far as you know, he didn't make a, 3 like, write a complaint or tell someone, but you did? 4 A. I don't know. Me, I know he told me. 5 Q. Okay. Now was your son, was he a good 6 fighter, as far as you know? 7 MS. SUTHERELL: Objection. 8 You can answer. 9 THE WITNESS: Daquan, yeah, he can fight. 10 He's not a fighter. That's the thing about it. If he 11 had to, yes. But he's not a fighter. 12 BY MS. MULLALLY: 13 Q. Did you ever see him in a fight? 14 A. When he was younger. 15 Q. All right. How old? 16 A. He was probably like 14 -- 13 or 14. 17 Q. And where did you see him fight? 18 A. Right in the neighborhood with friends. 19 Q. Okay. Now the complaint mentions that he 20 had bruises on his face in November of 2014. Did you 21 see any bruising on his face in that month?</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Of 2014. 2 Q. So he called you on the phone, and that's 3 one of the things that he told you? 4 A. Yes. 5 Q. Okay. Do you know if he reported this to 6 correctional officers or jail administrators or wrote 7 it in a grievance or anything like that? 8 A. No. And I hassled him about it. 9 Q. You hassled him about it? 10 A. About opening his mouth. And he would tell 11 me, they already told me if I tell somebody they was 12 going to kill me. 13 Q. Okay. 14 A. So that's when I really started calling back 15 to back. 16 Q. Okay. Now, so when he told you they said 17 that if he told anyone they would kill him, who is 18 they? 19 A. The guys in the jail. This is what he said. 20 I guess, the rest of the inmates that he was 21 fistfighting with, somebody told him if he open -- if</p>	<p style="text-align: right;">Page 33</p> <p>1 A. I can't say what month that I saw bruises. 2 I can't remember exactly. You say in November? 3 Q. Yes. 4 A. When I seen Quan he had bruises. 5 Q. All right. And when you say when you saw 6 him -- and you call him Quan, I take it? 7 A. Daquan. I'm sorry. Yes. 8 Q. Okay. When you saw him, tell me what you 9 saw on his face or on his body? 10 A. Marks. 11 Q. Where? 12 A. I seen marks. I seen a mark on Daquan's 13 neck, his face, when I went to -- when I came to visit 14 him one time. 15 Q. And when you say they were marks, I mean, 16 marks come in all sorts of sizes, shapes and color. 17 A. I asked him where it came from. He said 18 from fighting. 19 Q. All right. Describe what the mark on his 20 face looked like. Was it a bruise? Was it a cut? 21 Was it a knot?</p>

Nicole Wallace

<p style="text-align: right;">Page 34</p> <p>1 A. It wasn't no -- oh, God, he had so many 2 bruises and knots when I seen on him, I can't 3 remember. 4 Q. What about on his neck? Can you remember 5 that? 6 A. Uh-uh. I can't. 7 Q. All right. Did he tell you the names or the 8 descriptions of the people who were fighting with him? 9 A. No. When I talked to him on the phone, a 10 lot of times he couldn't talk; other people was 11 around. 12 Q. What about when you visited him? Did he 13 give you any names? 14 A. No. When I go to visit him, my other 15 youngest kids was there. So he won't try to worries 16 them with that. 17 Q. Okay. Well, let me ask you this. When you 18 go -- when you went to visit him, was it a contact 19 visit where you can touch one another or be face-to- 20 face, or was it behind a glass partition? 21 A. I know -- what's the name of the street</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Eva? 2 Q. No. Madison. 3 A. Madison. You got to go up all the steps. 4 That's the one I went to. Yes. 5 Q. Yes. 6 A. Yes, yes. 7 Q. Okay. Was it a -- again, was it a contact 8 visit where you could touch him or was it behind a 9 partition of some sort? 10 A. I don't think we could touch over there. I 11 can't -- I don't think we could touch over there. 12 Q. Okay. Now do you remember the dates that 13 you went to visit him? 14 A. No. 15 Q. Okay. Let me see if I can help you. This 16 will be Exhibit 2. 17 (Exhibit 2 marked for 18 identification.) 19 BY MS. MULLALLY: 20 Q. This is a document, a jail archive document. 21 And now the printing is very fine. If you look about</p>
<p style="text-align: right;">Page 35</p> <p>1 again? Madison? 2 Q. Madison Street? 3 A. I think, I believe it's Madison. We was 4 like behind a gate. 5 Q. Okay. 6 A. When we was on -- not Milton -- what's that, 7 Madison? What's the street that Central Booking is 8 on? 9 Q. Madison, 300 East Madison. 10 A. All right. Okay. When we was over there I 11 can't remember if -- I don't think we had -- I'm not 12 -- I can't remember if we -- we couldn't touch. I 13 don't -- no, we couldn't touch. 14 Q. Okay. What about -- I know he was in the -- 15 what we call the Jail Industries Building, which was a 16 dormitory setting. Did you visit him there? 17 A. On Madison Street? 18 Q. Yes. 19 A. Yes. 20 Q. On the other side of Madison from Central 21 Booking.</p>	<p style="text-align: right;">Page 37</p> <p>1 two-thirds of the way down, it says inmate history 2 record. And it has visitors. You see that? 3 A. Yes. 4 Q. Okay. Do you recall visiting him on 5 October 3rd, 2014? The date has the year first 6 followed by the month and the day. 7 A. Oh, yeah. I know I went to see him like two 8 or three times. 9 Q. Do you recall going with Ms. Winder on 10 October 3rd? 11 A. Did she go with me any time? She might have 12 been with me one time. 13 Q. Okay. 14 A. A lot of times I think it was me and my 15 mother or me. I'm sorry. Okay. 16 Q. All right. Do you recall Ms. Winder 17 bringing him some socks and some under clothing? 18 A. Yes. 19 Q. Now do you remember visiting him, it looks 20 like it's the following weekend or a week later, on 21 October 11, 2014?</p>

Nicole Wallace

<p style="text-align: right;">Page 58</p> <p>1 (Off the record at 3:20 p.m.)</p> <p>2 (On the record at 3:24 p.m.)</p> <p>3 MS. MULLALLY: I am realizing that I --</p> <p>4 we've been looking at some papers, but I had not</p> <p>5 marked them for identification. And we will do that.</p> <p>6 We'll make that Exhibit 3.</p> <p>7 (Exhibit 3 marked for</p> <p>8 identification.)</p> <p>9 MS. MULLALLY: Do you want a sticker?</p> <p>10 MS. SUTHERELL: That's okay. I'll mark it</p> <p>11 on the front of this page.</p> <p>12 MS. MULLALLY: All right. And that's the</p> <p>13 whole packet.</p> <p>14 So, Mr. Stenographer, did you get the first</p> <p>15 part of the packet? Did you copy that?</p> <p>16 COURT REPORTER: No.</p> <p>17 MS. MULLALLY: All right. I will -- remind</p> <p>18 me, and I'll give that to you.</p> <p>19 BY MS. MULLALLY:</p> <p>20 Q. All right. Now let's look at the page that</p> <p>21 starts with "So on November 19, 2014, I call down to</p>	<p style="text-align: right;">Page 60</p> <p>1 Where are my -- oh.</p> <p>2 BY MS. MULLALLY:</p> <p>3 Q. That was good. That's a winner.</p> <p>4 All right. Is that last character, is that</p> <p>5 a G?</p> <p>6 A. Yes.</p> <p>7 Q. Did you mean when you wrote that, did you</p> <p>8 mean G section?</p> <p>9 A. No. I never wrote it out, so I can't</p> <p>10 even --</p> <p>11 Q. Okay. "She going to put him in P.C. but he</p> <p>12 was put in G." You don't know what that G means?</p> <p>13 A. No.</p> <p>14 Q. Okay. Did you know that your son was moved</p> <p>15 to G section, and that's where he was injured?</p> <p>16 A. I can't remember exactly which section.</p> <p>17 Q. Okay. All right. Now let's look at the</p> <p>18 next page. It says today is December 31st.</p> <p>19 A. Okay.</p> <p>20 Q. All right. Now this page that says Sonja</p> <p>21 Young at the top.</p>
<p style="text-align: right;">Page 59</p> <p>1 the jail," all right, and talked to Ms. Patterson, and</p> <p>2 she said she didn't like the way Daquan's eye looked.</p> <p>3 Do you know what date you wrote this?</p> <p>4 A. I can't remember.</p> <p>5 Q. Okay. Now --</p> <p>6 COURT REPORTER: I'm sorry. I didn't hear</p> <p>7 the response.</p> <p>8 THE WITNESS: I can't remember.</p> <p>9 COURT REPORTER: I just want to make sure I</p> <p>10 get it on the record.</p> <p>11 THE WITNESS: I'm sorry.</p> <p>12 COURT REPORTER: That's all right.</p> <p>13 BY MS. MULLALLY:</p> <p>14 Q. Let's look at the last page or the last</p> <p>15 sentence. It says but he was put in -- is that a G?</p> <p>16 A. I don't even have my glasses on. I don't</p> <p>17 know. P.C. Oh, you said was it a G? I can't</p> <p>18 remember what that -- I didn't write it all the way</p> <p>19 out.</p> <p>20 MS. SUTHERELL: Do you have your glasses?</p> <p>21 THE WITNESS: I'm looking for my glasses.</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Yeah.</p> <p>2 Q. Sonja Young. Does that say 1043, 9 & 3?</p> <p>3 A. Yeah, that's what it says.</p> <p>4 Q. Do you know what that means?</p> <p>5 A. No. I can't remember.</p> <p>6 Q. Okay. Does it say -- I know that says</p> <p>7 Warden Peay. Below that is it Reko? Beko?</p> <p>8 A. Reko.</p> <p>9 Q. What's Reko?</p> <p>10 A. That's my cousin name --</p> <p>11 Q. Okay. So but that's not connected to this</p> <p>12 case?</p> <p>13 A. No.</p> <p>14 Q. All right. Now it says 10/22/14, Captain</p> <p>15 Dennson or Pennson 10:43?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. What do you mean by writing "She not</p> <p>18 talk over the phone"? Do you know what that means?</p> <p>19 A. She not talking over the phone. No.</p> <p>20 Q. Okay. So she wouldn't talk to you over the</p> <p>21 phone? All right.</p>

Nicole Wallace

<p style="text-align: right;">Page 66</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. Yes.</p> <p>4 Q. And do you agree that you signed it under</p> <p>5 oath?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Now if you look at paragraph 4. It's</p> <p>8 got a 4 there. It says, "When I spoke to Defendant</p> <p>9 Patterson she acknowledged that Daquan was visibly</p> <p>10 injured and needed medical assistance."</p> <p>11 Do you remember the date that you spoke to</p> <p>12 Tamara Patterson where she said Daquan -- that she</p> <p>13 said I know Daquan is injured and he needs medical</p> <p>14 attention?</p> <p>15 MS. SUTHERELL: May I -- her referencing --</p> <p>16 MS. MULLALLY: Oh, sure.</p> <p>17 MS. SUTHERELL: -- Exhibit 3?</p> <p>18 MS. MULLALLY: It's her record.</p> <p>19 THE WITNESS: Now can you --</p> <p>20 BY MS. MULLALLY:</p> <p>21 Q. Answer -- ask it again?</p>	<p style="text-align: right;">Page 68</p> <p>1 A. No.</p> <p>2 Q. Which was it?</p> <p>3 A. I can't remember.</p> <p>4 Q. Okay. But to your knowledge, was your son's</p> <p>5 eye socket broken on any day prior to the day that he</p> <p>6 was seriously injured and had to go to the hospital?</p> <p>7 Did he have a broken eye socket before then?</p> <p>8 A. I was told he never had a broken eye socket.</p> <p>9 Q. Okay.</p> <p>10 A. She told me that it was fractured. That's</p> <p>11 when Ms. Patterson called me back and told me that his</p> <p>12 eye socket wasn't broken.</p> <p>13 Q. Was not broken?</p> <p>14 A. Was not broken.</p> <p>15 Q. Okay. All right.</p> <p>16 A. It was just fractured.</p> <p>17 Q. And did you make this record on November the</p> <p>18 19th?</p> <p>19 MS. SUTHERELL: Objection. Asked and</p> <p>20 answered.</p> <p>21 You can answer.</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Ask the question, please.</p> <p>2 Q. Okay. When I spoke -- do you remember what</p> <p>3 day that you spoke to Tamara Patterson and she</p> <p>4 acknowledged that Daquan was hurt and needed medical</p> <p>5 assistance? What day did she tell you that, if you</p> <p>6 know?</p> <p>7 A. I talked to her November the 19th. I</p> <p>8 called --</p> <p>9 Q. How do you know it was November 19th?</p> <p>10 A. It's on my paper, and that's when I called.</p> <p>11 Q. Show me the paper.</p> <p>12 A. She said she didn't like the way his eyes</p> <p>13 look.</p> <p>14 Q. Okay.</p> <p>15 A. She called me back and told me how his eye</p> <p>16 socket wasn't broken but it was fractured. That's</p> <p>17 what she said.</p> <p>18 Q. Now was -- the eye socket wasn't broken but</p> <p>19 it was fractured. Is this the injury that he had when</p> <p>20 he was in court or is this the injury that he</p> <p>21 sustained when he was attacked on December 18th?</p>	<p style="text-align: right;">Page 69</p> <p>1 BY MS. MULLALLY:</p> <p>2 Q. Did you write this on November the 19th?</p> <p>3 A. Yes. When I talked to her.</p> <p>4 Q. You're sure of that?</p> <p>5 A. I talked to her November 19th.</p> <p>6 Q. Okay. But my question is what day did you</p> <p>7 write this?</p> <p>8 A. The day that I talked to Ms. Patterson. So</p> <p>9 it had to be November the 19th.</p> <p>10 Q. Okay. Thank you.</p> <p>11 Now tell me about each and every</p> <p>12 conversation you had with Tamara Patterson about your</p> <p>13 son Daquan. And when I ask you this, I want, if you</p> <p>14 can give me, dates, times, who else was on the phone.</p> <p>15 And just do your best. Remember we're here, I'm</p> <p>16 trying to find out what you know and what you don't.</p> <p>17 MS. SUTHERELL: Objection.</p> <p>18 You can answer.</p> <p>19 THE WITNESS: I can't give you too many</p> <p>20 dates. I don't have too many dates.</p> <p>21 BY MS. MULLALLY:</p>

Nicole Wallace

<p style="text-align: right;">Page 70</p> <p>1 Q. Okay.</p> <p>2 A. When I first found out, that's when I</p> <p>3 started calling. I wasn't keeping notes in October.</p> <p>4 Q. Okay.</p> <p>5 A. I talked to -- I can't even give you a time.</p> <p>6 I didn't -- I can't even give you no time.</p> <p>7 Q. Okay. Can you tell me about how many times</p> <p>8 you talked directly to Tamara Patterson about your</p> <p>9 son's safety?</p> <p>10 A. About -- 1, 2, 3 -- about three or four.</p> <p>11 Q. Okay. And when did these conversations</p> <p>12 start?</p> <p>13 A. October.</p> <p>14 Q. And when did -- when was -- so about when</p> <p>15 was the last conversation that you had with Tamara</p> <p>16 Patterson?</p> <p>17 A. My last conversation?</p> <p>18 Q. Yes.</p> <p>19 A. December.</p> <p>20 Q. And was it before your son was seriously</p> <p>21 injured or after?</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Yes. I only talked to -- one time on the</p> <p>2 speaker phone, and that was just about his eyes.</p> <p>3 Q. Okay. Who else -- now if it was on speaker,</p> <p>4 that means was there a third person there?</p> <p>5 A. It was her and Daquan.</p> <p>6 Q. Okay. So tell me about that conversation.</p> <p>7 What did you say? What did she say. What did Daquan</p> <p>8 say?</p> <p>9 MS. SUTHERELL: Objection. If you know.</p> <p>10 MS. MULLALLY: Yes.</p> <p>11 THE WITNESS: I talked to her. She said she</p> <p>12 didn't like the way his eyes looked and she was</p> <p>13 sending him to the doctor. She wanted to make sure</p> <p>14 that his eye socket's not broken, and she'll call me</p> <p>15 back once he come back to her office.</p> <p>16 BY MS. MULLALLY:</p> <p>17 Q. Okay. And was -- how do you know that</p> <p>18 Daquan Wallace was right there in the office with her?</p> <p>19 A. Because he talked to me.</p> <p>20 Q. What did he tell you?</p> <p>21 A. He didn't say so much. I can't remember.</p>
<p style="text-align: right;">Page 71</p> <p>1 A. After.</p> <p>2 Q. Now when you --</p> <p>3 A. After he was injured. You asked me the last</p> <p>4 time that I talked to her. December. This was after</p> <p>5 he was injured. That was like the last conversation</p> <p>6 that we had.</p> <p>7 Q. Was that after he went to the hospital?</p> <p>8 A. Let me go back, I'm wrong. I talked to her</p> <p>9 while he was in the hospital. So that's not true. I</p> <p>10 talked to her while he was in the hospital.</p> <p>11 Q. Why did you talk to her while he was in the</p> <p>12 hospital?</p> <p>13 A. So my mother -- so my immediate family can</p> <p>14 come into --</p> <p>15 Q. Okay.</p> <p>16 A. I talked -- yeah, so my immediate family can</p> <p>17 come into the hospital.</p> <p>18 Q. I understand. Now you say in your</p> <p>19 affidavit, Exhibit 4, that at no time did you have a</p> <p>20 conversation with Ms. Patterson while Daquan Wallace</p> <p>21 or any other person was in the room on speaker phone.</p>	<p style="text-align: right;">Page 73</p> <p>1 But he didn't say so much.</p> <p>2 Q. Well, did he talk at all?</p> <p>3 A. Yes. That's how I -- yes. He said ma. I</p> <p>4 remember that.</p> <p>5 Q. He said ma what?</p> <p>6 A. Ma. But I can't remember what.</p> <p>7 Q. What do you think he meant by saying ma?</p> <p>8 A. Speaking.</p> <p>9 Q. Okay.</p> <p>10 A. Speaking.</p> <p>11 Q. But did he say anything about his eye?</p> <p>12 A. No. Ms. Patterson did the talking.</p> <p>13 Q. Did he say anything about being in a fight</p> <p>14 or being injured in a fight?</p> <p>15 A. While Ms. Patterson was sitting there?</p> <p>16 Q. Yes.</p> <p>17 A. No.</p> <p>18 Q. Did he say how he had gotten the eye injury</p> <p>19 while Ms. Patterson was in the room with him?</p> <p>20 A. No.</p> <p>21 Q. And the date of this conversation to the</p>

Nicole Wallace

<p style="text-align: right;">Page 74</p> <p>1 best of your knowledge was, what, November 19th?</p> <p>2 A. 2014.</p> <p>3 Q. Okay.</p> <p>4 A. Best to my knowledge.</p> <p>5 Q. Now do you ever remember Ms. Patterson</p> <p>6 calling you with your son in the room and talking to</p> <p>7 you about what your son said about whether or not he</p> <p>8 wanted to go to protective custody?</p> <p>9 A. No. I don't remember none of that.</p> <p>10 Q. Say that again.</p> <p>11 A. No, ma'am. I do not remember none of that.</p> <p>12 Q. Okay. Now --</p> <p>13 MS. SUTHERELL: Wait for her question.</p> <p>14 BY MS. MULLALLY:</p> <p>15 Q. Is it possible that that conversation</p> <p>16 happened and that you don't remember?</p> <p>17 A. Ms. Patterson ain't talk to me about that</p> <p>18 while Quan was there.</p> <p>19 Q. I'm sorry. Say that again.</p> <p>20 A. No.</p> <p>21 Q. No what?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. So you told me about one of them, it</p> <p>3 was concerning his eye.</p> <p>4 A. Yes.</p> <p>5 Q. All right. And I asked you if you</p> <p>6 remembered another one?</p> <p>7 A. No. Not for sure. I can't remember.</p> <p>8 Q. Okay. Is it possible that there was another</p> <p>9 conversation about your son's safety with</p> <p>10 Ms. Patterson where he was present?</p> <p>11 A. No. I can't remember.</p> <p>12 Q. Okay. You can't remember.</p> <p>13 Do you ever remember your son saying that he</p> <p>14 wasn't afraid in the jail?</p> <p>15 A. No. I remember Quan say he can't tell</p> <p>16 nobody. That's what he told me.</p> <p>17 Q. He can't?</p> <p>18 A. He can't tell nobody.</p> <p>19 Q. Okay.</p> <p>20 A. About anything that's he's working on.</p> <p>21 That's the only time he said he was afraid.</p>
<p style="text-align: right;">Page 75</p> <p>1 MS. SUTHERELL: Just slow down. If you</p> <p>2 need, she can repeat the question.</p> <p>3 BY MS. MULLALLY:</p> <p>4 Q. Yes. This -- it's not a test. It's -- and</p> <p>5 I know this is difficult for you. I'm just trying to</p> <p>6 find out what you know. Again, it's information</p> <p>7 session. Think of it as that. All right.</p> <p>8 MS. MULLALLY: Now, is it possible,</p> <p>9 Mr. Stenographer that you could read back the last</p> <p>10 question?</p> <p>11 COURT REPORTER: Yes. May have to take a</p> <p>12 break and do it.</p> <p>13 MS. MULLALLY: Okay.</p> <p>14 (Off the record at 3:43 p.m.)</p> <p>15 (On the record at 3:47 p.m.)</p> <p>16 BY MS. MULLALLY:</p> <p>17 Q. Ms. Wallace, I was asking you about a three-</p> <p>18 way conversation, any three-way conversation that you</p> <p>19 had with Ms. Patterson where it was Ms. Patterson,</p> <p>20 your son, Daquan Wallace, in the same room, and you on</p> <p>21 the telephone.</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. All right. Did he say he couldn't tell</p> <p>2 anybody -- were you included, or was he telling you</p> <p>3 that he couldn't tell anyone else?</p> <p>4 A. He was telling me so I can be a mother and</p> <p>5 do what I had to, make phone calls.</p> <p>6 Q. All right.</p> <p>7 A. But for him to actually go out and talk to</p> <p>8 somebody, they was threatening him.</p> <p>9 Q. All right. As far as you know, did your son</p> <p>10 get medical attention for his eye when he -- the eye</p> <p>11 injury that he sustained when he -- that he had when</p> <p>12 he was in court and you were there with his mother?</p> <p>13 Do you know if he ever actually saw a doctor or nurse</p> <p>14 about that eye?</p> <p>15 A. I can't remember that. I can't remember.</p> <p>16 I'm not for sure.</p> <p>17 Q. But you did say you do remember Tamara</p> <p>18 Patterson calling you back and saying this his eye</p> <p>19 socket was not broken?</p> <p>20 A. Right.</p> <p>21 Q. Do you know how she would know that?</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. Okay.</p> <p>2 A. I think I -- I don't know her -- I only know</p> <p>3 Cook. That's her son.</p> <p>4 Q. Do you know what your son was charged with</p> <p>5 when he was in jail in 2014?</p> <p>6 A. I know he went in her house, supposed to</p> <p>7 been taking multiple things.</p> <p>8 Q. Taking her possessions from the house?</p> <p>9 A. Right. That's what was said.</p> <p>10 Q. Okay. Now do you know -- do you have any</p> <p>11 information that -- I'm going to read you a list of</p> <p>12 names, and what I want to know is whether or not you</p> <p>13 knew them to be members of the BGF or affiliated with</p> <p>14 the BGF. All right. Here's the names, and you've</p> <p>15 heard them before. Jackens Rene?</p> <p>16 A. No.</p> <p>17 Q. Karen Moore?</p> <p>18 A. I don't even -- no.</p> <p>19 Q. Okay. Lisa Portee?</p> <p>20 A. No.</p> <p>21 Q. Tamara Patterson?</p>	<p style="text-align: right;">Page 84</p> <p>1 A. No.</p> <p>2 Q. Now do you know why -- this is a basic</p> <p>3 question.</p> <p>4 A. Yes.</p> <p>5 Q. Do you know or do you have a belief about</p> <p>6 why your son wouldn't want to join the BGF?</p> <p>7 MS. SUTHERELL: Objection.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: Quan, he's not a fighter.</p> <p>10 He's a lover.</p> <p>11 BY MS. MULLALLY:</p> <p>12 Q. Okay.</p> <p>13 A. That's -- he already said to me before he</p> <p>14 don't want to hurt nobody like that.</p> <p>15 Q. Now you said from time to time in this</p> <p>16 deposition, you've used the name Quan.</p> <p>17 A. Oh, Daquan. I'm sorry.</p> <p>18 Q. All right. Well, just let's just make the</p> <p>19 record clear. You call your son Quan also?</p> <p>20 A. Yes. I'm sorry.</p> <p>21 Q. That's all right.</p>
<p style="text-align: right;">Page 83</p> <p>1 A. No.</p> <p>2 Q. Betty Johnson?</p> <p>3 A. No.</p> <p>4 Q. Ricky Foxwell?</p> <p>5 A. No.</p> <p>6 Q. Ericka Shard?</p> <p>7 A. No.</p> <p>8 Q. Or Stephen Moyer?</p> <p>9 A. No.</p> <p>10 Q. Okay. Now do you know anything about gangs?</p> <p>11 A. Only what I hear on TV.</p> <p>12 Q. Okay.</p> <p>13 A. And what's like, you know, when people be</p> <p>14 talking.</p> <p>15 Q. Do you -- what would be -- if you know, what</p> <p>16 would be an advantage of joining a gang, if you happen</p> <p>17 to be in prison or jail?</p> <p>18 A. I wouldn't know.</p> <p>19 Q. Do you know what would be a disadvantage?</p> <p>20 A. Not joining?</p> <p>21 Q. Yes.</p>	<p style="text-align: right;">Page 85</p> <p>1 Do you have any knowledge or any information</p> <p>2 about correctional officers or wardens or</p> <p>3 administrators or even that list of names that I keep</p> <p>4 reading to you, do you know why they would want to</p> <p>5 retaliate against your son for not joining the BGF?</p> <p>6 MS. SUTHERELL: Objection.</p> <p>7 You can answer.</p> <p>8 BY MS. MULLALLY:</p> <p>9 Q. Can you think of any reason why --</p> <p>10 A. No. I couldn't think of none. No.</p> <p>11 Q. Now did your son have a job, a jail job? In</p> <p>12 other words, did he work for a couple hours sweeping</p> <p>13 floors or cleaning or doing anything in the jail?</p> <p>14 A. He never told me if he did.</p> <p>15 Q. What -- did he tell you anything about other</p> <p>16 detainees in the dormitory where he lived?</p> <p>17 A. Nothing about like -- nothing but just about</p> <p>18 fighting.</p> <p>19 Q. Okay.</p> <p>20 A. About him in the fights.</p> <p>21 Q. Did he ever say that he was -- had been</p>

Nicole Wallace

<p style="text-align: right;">Page 86</p> <p>1 accused of taking someone else's commissary?</p> <p>2 A. He never told me that.</p> <p>3 Q. Did he ever tell you that he had been</p> <p>4 accused of, if you will, picking on people? Not</p> <p>5 fighting them but, you know, picking on them, picking</p> <p>6 at them?</p> <p>7 A. My son?</p> <p>8 Q. Yes.</p> <p>9 A. No.</p> <p>10 Q. Okay. Do you remember the last -- can you</p> <p>11 tell me the last date that you talked to your son</p> <p>12 before he was seriously injured?</p> <p>13 A. I can't give you a date. I don't know.</p> <p>14 Q. Okay.</p> <p>15 A. He was in the process of being moved.</p> <p>16 Q. Do you still have the same -- well, let me</p> <p>17 ask -- let's back up. He was in the process of being</p> <p>18 moved. Tell me about that, what you know.</p> <p>19 A. When I talked to the warden after she seen</p> <p>20 his face, she said, whether he want to go or not, I'm</p> <p>21 going to move him.</p>	<p style="text-align: right;">Page 88</p> <p>1 to people who were housed in his dormitory prior to</p> <p>2 the date that he was seriously injured?</p> <p>3 A. No.</p> <p>4 Q. Did any people that had been housed with him</p> <p>5 ever talk to you, call you?</p> <p>6 A. Somebody called me on a three-way for him,</p> <p>7 but I didn't converse with nobody like that.</p> <p>8 Q. Okay. What about after your son was</p> <p>9 injured?</p> <p>10 A. Anybody call me?</p> <p>11 Q. Yes. Did anyone call and say, hey,</p> <p>12 Ms. Wallace, I was in the dorm with your son --</p> <p>13 A. No. No.</p> <p>14 Q. All right. Do you know anything about how</p> <p>15 your son was seriously injured on December 18, 2014?</p> <p>16 Now this is personal knowledge.</p> <p>17 A. Only what the hospital told me.</p> <p>18 Q. What did the hospital tell you?</p> <p>19 A. You could see that -- you could tell they</p> <p>20 stomped his face.</p> <p>21 Q. You could tell that someone had stomped on</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. And did she say where she was going to move</p> <p>2 him?</p> <p>3 A. PC.</p> <p>4 Q. What's your understanding of PC?</p> <p>5 A. Protection. That's my understanding.</p> <p>6 Q. Okay.</p> <p>7 A. Because I asked for it.</p> <p>8 Q. All right. And do you know whether or not</p> <p>9 your son wrote a request to go to protective custody?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know if he was ever asked to write a</p> <p>12 request to go to protective custody?</p> <p>13 A. Was he ever asked to write?</p> <p>14 Q. Yes.</p> <p>15 A. He can't even spell. So I don't know.</p> <p>16 Q. Did you -- do you know whether or not your</p> <p>17 son rejected going to protective custody?</p> <p>18 A. Not to my knowledge.</p> <p>19 Q. Is it possible that he did?</p> <p>20 A. I'm not for sure.</p> <p>21 Q. All right. Did you -- have you ever talked</p>	<p style="text-align: right;">Page 89</p> <p>1 his face?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. You see all the footprints on his face.</p> <p>5 Q. Okay.</p> <p>6 A. And I was -- he was laying in the bed,</p> <p>7 nobody never checked. He was out of oxygen, without</p> <p>8 oxygen, oh, my gosh, more than 10 minutes.</p> <p>9 Q. Okay. Do you know was -- you said he was</p> <p>10 lying in bed. Did anyone tell you whether he would</p> <p>11 have been injured while he was lying in bed or</p> <p>12 somewhere else, if you know?</p> <p>13 A. No.</p> <p>14 Q. Have you ever had any contact with your</p> <p>15 son's cellmate when he went to G section?</p> <p>16 A. No.</p> <p>17 Q. Now I'm going to ask you some questions now</p> <p>18 about your son after the injury.</p> <p>19 A. Okay.</p> <p>20 Q. When -- so you said that he lives with you?</p> <p>21 A. Yes.</p>

<p style="text-align: right;">Page 90</p> <p>1 Q. When did he come home?</p> <p>2 A. When he come home?</p> <p>3 Q. When did he come home from the hospital?</p> <p>4 A. I can't give you exact date. When he came</p> <p>5 home -- because when he came home he was always rushed</p> <p>6 back for Code Blue.</p> <p>7 Q. What does Code Blue mean?</p> <p>8 A. He couldn't breathe.</p> <p>9 Q. All right. Did he have -- well, can you</p> <p>10 tell me when he came home the first time, can you tell</p> <p>11 me what season it was? If he was injured on</p> <p>12 December 18, 2014, how long was it before he got home</p> <p>13 for the first time?</p> <p>14 A. He left General Hospital and went to Bon</p> <p>15 Secours (mumbling) --</p> <p>16 Q. You have to use words.</p> <p>17 A. No. I'm thinking.</p> <p>18 Q. Yes.</p> <p>19 A. I know we got -- we all got snowed in the</p> <p>20 hospital down Bon Secours.</p> <p>21 Q. Okay.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. I exercise him. I stretch his legs. I</p> <p>2 stretch his body.</p> <p>3 Q. Okay. Is he itchy?</p> <p>4 A. No. I stretches, you know, stretches his</p> <p>5 legs and arms.</p> <p>6 Q. Oh, you stretch?</p> <p>7 A. Stretch.</p> <p>8 Q. Okay. Is that something you do because it's</p> <p>9 therapeutic, it helps him?</p> <p>10 A. So his body won't lock up.</p> <p>11 Q. All right. So he -- you say you change him.</p> <p>12 So he's not continent?</p> <p>13 A. No, he wear diapers.</p> <p>14 Q. Can he speak?</p> <p>15 A. Not clearly.</p> <p>16 Q. What are some words he can say that you</p> <p>17 understand?</p> <p>18 A. Ma.</p> <p>19 Q. Does he say that when he wants you to help</p> <p>20 him or to be with him?</p> <p>21 A. Yes. Yes.</p>
<p style="text-align: right;">Page 91</p> <p>1 A. So that's where I'm at.</p> <p>2 Q. All right. Was it after that that he was</p> <p>3 released?</p> <p>4 A. I'm not for sure. I think it was either</p> <p>5 January or February.</p> <p>6 Q. Okay.</p> <p>7 A. I'm not for sure.</p> <p>8 Q. Now tell me about -- give me a snapshot in</p> <p>9 the day -- of a day in the life of your son. He lives</p> <p>10 with you. Tell me about from his first waking moment.</p> <p>11 A. I get up 5:30 Monday through -- Monday -- 7</p> <p>12 days a week, I get up 5:30.</p> <p>13 Q. Okay.</p> <p>14 A. Change him, bathe him, get him out of the</p> <p>15 bed, put him in his chair. Well, put his clothes on,</p> <p>16 then put him in a chair, feed him.</p> <p>17 (Pause.)</p> <p>18 BY MS. MULLALLY:</p> <p>19 Q. We can take a break, but I am going to ask</p> <p>20 you questions about his condition now, and I'm sorry</p> <p>21 to ask them.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. And how is his vision, if you know?</p> <p>2 A. He wear glasses now.</p> <p>3 Q. Okay.</p> <p>4 A. So his vision is bad.</p> <p>5 Q. All right. But, for instance, he's not --</p> <p>6 is he -- he's not blind, is he?</p> <p>7 A. No.</p> <p>8 Q. Does he have any therapists that come to</p> <p>9 him, come to your home to assist in his care?</p> <p>10 A. Not no more. Not no more.</p> <p>11 Q. When he did have therapists that came to</p> <p>12 your home, what kind of therapists were they and how</p> <p>13 did they help him?</p> <p>14 A. It was all three: physical, occupational,</p> <p>15 and -- physical, occupational, and speech.</p> <p>16 Q. And how long did he have therapists</p> <p>17 assisting him?</p> <p>18 A. I think he only allowed with his insurance</p> <p>19 like -- five visits, I believe, five or six visits.</p> <p>20 Q. Okay.</p> <p>21 A. Then you got to do the whole process over</p>

In the Matter Of:

NICOLE WALLACE, ET AL

vs.

STATE OF MARYLAND, ET AL

ERICKA NICOLE SHIRD

June 22, 2018

epiq

court reporting solutions

EXHIBIT

6

<p style="text-align: right;">Page 46</p> <p>1 yourself and you've mentioned Officer Rene. What</p> <p>2 other COs were there, or CO IIs that worked that</p> <p>3 section?</p> <p>4 A I was there by myself that day.</p> <p>5 Q Well, no, I understand that, but at that</p> <p>6 time who else worked in that section, in general?</p> <p>7 A Any officer that they would assign to the</p> <p>8 Section.</p> <p>9 Q And how many officers, how big was that</p> <p>10 pool? Was it ten possible people? 50? Do you</p> <p>11 know?</p> <p>12 A I don't know how many employees. Any CO</p> <p>13 II, I can't -- I don't know how many employees were</p> <p>14 there at the time. We come to work in the morning</p> <p>15 and get our assigned posts. So.</p> <p>16 Q Okay. And was, before and after this</p> <p>17 incident, had the person that you hand-off to in the</p> <p>18 afternoon changed a lot or was it usually Officer --</p> <p>19 A It was different people.</p> <p>20 Q Okay. All right. Who else did you</p> <p>21 hand-off to for the afternoon, other than Officer</p> <p>22 Rene at the time?</p>	<p style="text-align: right;">Page 48</p> <p>1 nicknames?</p> <p>2 A No.</p> <p>3 Q You were talking to me earlier about the</p> <p>4 process for moving a prisoner, if somebody was going</p> <p>5 to go, for instance JI to MCD, there was a request</p> <p>6 put in by JI and signed off by --</p> <p>7 A MDC?</p> <p>8 Q I'm sorry?</p> <p>9 A MDC?</p> <p>10 Q Yes. I'm sorry. The men's side?</p> <p>11 A Yes.</p> <p>12 Q There was a request put in, if there was a</p> <p>13 request put in at JI, how would that request move</p> <p>14 through the process? What was the administrative</p> <p>15 process for that?</p> <p>16 A All I know is the only person that can</p> <p>17 have somebody transferred, it has to be a</p> <p>18 supervisor, which I consider lieutenants or above.</p> <p>19 Q Okay. And then when the person -- I think</p> <p>20 you told me when the person arrives -- I think you</p> <p>21 told me that somebody on your tier had to sign?</p> <p>22 A If I was working on the tier, when an</p>
<p style="text-align: right;">Page 47</p> <p>1 A It could have been any officer, I can't</p> <p>2 remember every officer that relieved me. It could</p> <p>3 be any officer on B shift.</p> <p>4 Q Okay. All right. And do you remember the</p> <p>5 names of any other officers, besides Rene, who</p> <p>6 worked B shift?</p> <p>7 A Not offhand, like that worked right there.</p> <p>8 Q What do you mean that worked right there?</p> <p>9 A Like on that section.</p> <p>10 Q Okay. And what about who did you take</p> <p>11 over from in the morning?</p> <p>12 A I don't remember that either.</p> <p>13 Q Do you remember anybody you ever took over</p> <p>14 from, say in, during that time period in 2014?</p> <p>15 A No. I'm sorry. No.</p> <p>16 Q And was there an Officer Sheraton or</p> <p>17 Sheridan who worked there?</p> <p>18 A Not that I know of, no.</p> <p>19 Q All right. Did anybody have that</p> <p>20 nickname, Sheraton or Sheridan, something like that?</p> <p>21 A Not that I know of.</p> <p>22 Q Okay. Have you ever gone by any</p>	<p style="text-align: right;">Page 49</p> <p>1 officer would bring the detainee to the tier and</p> <p>2 they would have to have a transfer.</p> <p>3 Q Okay.</p> <p>4 A And that transfer --</p> <p>5 Q Okay. I've got one here. Is that like a</p> <p>6 transfer of housing assignment document?</p> <p>7 A Transfer would have to be from me to take</p> <p>8 the person to process, it would have to have a</p> <p>9 lieutenant's signature on there. If not, then I was</p> <p>10 not supposed to accept them.</p> <p>11 Q And then the officer on the tier would</p> <p>12 sign at the bottom where it says "officer's</p> <p>13 signature"?</p> <p>14 A Yes, sir.</p> <p>15 Q Okay. All right. And then that would be</p> <p>16 the officer who was accepting custody of the</p> <p>17 prisoner?</p> <p>18 A Yes, sir.</p> <p>19 Q Got it. And then after that, did the</p> <p>20 transfer of housing assignment go back to the --</p> <p>21 where did it go, let me ask you --</p> <p>22 A To the Traffic officer.</p>

<p>Page 54</p> <p>1 at JI?</p> <p>2 A Yes.</p> <p>3 Q Okay. All right. Was there a procedure</p> <p>4 or a habit at the facility of transferring prisoners</p> <p>5 out of JI over to MDC for disciplinary, you know, to</p> <p>6 discipline them since MDC is not as desirable?</p> <p>7 A What do you mean like discipline?</p> <p>8 Q Well, if a prisoner was a problem, was one</p> <p>9 of the ways of disciplining the prisoner for any</p> <p>10 particular problem to transfer them to MDC, which is</p> <p>11 less desirable?</p> <p>12 A I know if they had gotten into a fight</p> <p>13 they would transfer inmates and things like that,</p> <p>14 but they normally put them in lock-up if there are</p> <p>15 issues like --</p> <p>16 Q All right. And what kind of, what kind</p> <p>17 of -- I understand beds were relatively scarce in</p> <p>18 the facility; is that right? It was pretty crowded?</p> <p>19 A I don't remember how crowded it was. I</p> <p>20 don't remember the exact count on this section.</p> <p>21 Q Okay. And you said earlier you were</p> <p>22 explaining to me what might lead to a transfer. You</p>	<p>Page 56</p> <p>1 A No. Not for just talking back. It would</p> <p>2 have to be like actual assault or verbal assault</p> <p>3 like, something like that.</p> <p>4 Q Okay. All right. So that kind of thing</p> <p>5 wouldn't lead to a transfer or any time in</p> <p>6 segregation?</p> <p>7 A I'm sorry. No.</p> <p>8 Q And then what about misconduct like trying</p> <p>9 to take other prisoner's commissary or phone</p> <p>10 privileges or something, is that the kind of thing</p> <p>11 that would lead to time in segregation?</p> <p>12 A Yes.</p> <p>13 Q Okay. All right. But not a transfer?</p> <p>14 A No.</p> <p>15 Q Okay. And the -- did you know or have any</p> <p>16 experience with an inmate by Joseph Beatty?</p> <p>17 A Not that I know of.</p> <p>18 Q Okay. I'll show you a picture to see if</p> <p>19 it jogs your memory. Does that gentleman look</p> <p>20 familiar to you at all?</p> <p>21 A No.</p> <p>22 Q Okay. Did you generally know the</p>
<p>Page 55</p> <p>1 said a fight. Anything else that might rise to a</p> <p>2 level to cause a transfer?</p> <p>3 A I know JI was supposed to be held to a</p> <p>4 certain level of like maximum, medium. If they find</p> <p>5 out someone was maximum, they may have moved them</p> <p>6 back over there, things like that.</p> <p>7 Q Okay. So if they are misclassified or a</p> <p>8 fight, anything else that might lead to a transfer?</p> <p>9 A None that I know of, no. No.</p> <p>10 Q Okay. And other disciplinary issues were</p> <p>11 ordinarily dealt with by putting them into</p> <p>12 segregation for a period of time?</p> <p>13 A Yeah. Uh-huh.</p> <p>14 Q Is that a yes?</p> <p>15 A Yes. I'm sorry.</p> <p>16 Q No. You're doing good. All right.</p> <p>17 So if a -- I'm just going to give you some</p> <p>18 examples. If an inmate was talking back to guards</p> <p>19 or not wanting to do what the guards tell them to</p> <p>20 do, that's the kind of thing that would lead to a</p> <p>21 period in segregation instead of a transfer; is that</p> <p>22 right?</p>	<p>Page 57</p> <p>1 prisoners that were housed in G Section?</p> <p>2 A Only if I was working there a period of</p> <p>3 time, if they were there for a while, I would</p> <p>4 remember them, yes.</p> <p>5 Q Okay. How common were gang affiliations</p> <p>6 in G Section around the time of this incident,</p> <p>7 December of 2014?</p> <p>8 A They were common throughout the jail as</p> <p>9 far as I know.</p> <p>10 Q And what, what -- was there a gang that</p> <p>11 had the most members? I know there was a lot of BGF</p> <p>12 activity or there were others. Is there one that</p> <p>13 had the most members in the jail?</p> <p>14 A I don't -- what do you mean by memories?</p> <p>15 Q The most gang members. In other words --</p> <p>16 A Oh. Members. I thought you said</p> <p>17 "memories."</p> <p>18 Q I'm sorry. Members.</p> <p>19 A I've known of both. I've been there for a</p> <p>20 while, so I've known that they've had a lot of</p> <p>21 Bloods within there, a lot of BGF. I've known of</p> <p>22 both.</p>

<p style="text-align: right;">Page 70</p> <p>1 A Yes.</p> <p>2 Q Okay. What time is 1530?</p> <p>3 A I -- that's 3:30. I'm sorry.</p> <p>4 Q And then it says: "Initial security round</p> <p>5 conducted, all appears safe." Do you see that?</p> <p>6 A Yes.</p> <p>7 Q Okay. And then since 1530 was 3:30, 1600</p> <p>8 is 4; is that right?</p> <p>9 A Yes.</p> <p>10 Q Okay. So at 4:00 p.m. the east top was</p> <p>11 out for recreation. Do you see that?</p> <p>12 A Yes.</p> <p>13 Q All right. What does out for recreation</p> <p>14 mean?</p> <p>15 A The east top tier came off of passive rec.</p> <p>16 Q Where do they go? What do they do? That</p> <p>17 kind of thing?</p> <p>18 A They come out, go in the day room, or use</p> <p>19 the phones or take a shower.</p> <p>20 Q All right. Where was G35? Was that east</p> <p>21 or west, top or bottom?</p> <p>22 A I think it was east. Yeah. I believe it</p>	<p style="text-align: right;">Page 72</p> <p>1 Q Okay. And then -- then at 4:08 it says</p> <p>2 detainees Pulley and Tillman came out for recreation</p> <p>3 with their belongings, stated they were -- what does</p> <p>4 that say? Scared on section?</p> <p>5 A That's what it looks like.</p> <p>6 Q Okay. "Detainees pulled but by"? Can you</p> <p>7 make that out?</p> <p>8 A No.</p> <p>9 Q Okay. All right. And then at 4:30 there</p> <p>10 was another security round conducted "all appears</p> <p>11 safe and secured." Do you see that?</p> <p>12 A Yes.</p> <p>13 Q Okay. And what does a security round</p> <p>14 consist of? Do you go both east and west, both top</p> <p>15 and bottom, and look into each cell physically?</p> <p>16 A You walk the tier. Go from the front to</p> <p>17 the back of the tier, and then back up.</p> <p>18 Q And it requires you to actually visually</p> <p>19 look into each cell; right?</p> <p>20 A Yes.</p> <p>21 Q Okay. All right. And the cells are</p> <p>22 designed so that when there's somebody in there,</p>
<p style="text-align: right;">Page 71</p> <p>1 was east.</p> <p>2 Q Okay. So G35 is east. Is it top or</p> <p>3 bottom?</p> <p>4 A It would have been the top.</p> <p>5 Q Okay. All right. So at 4:00 p.m., G35</p> <p>6 would have been out for recreation? Is that right?</p> <p>7 Since it says, "east top out for rec"?</p> <p>8 A Yes.</p> <p>9 Q Okay. Now, was it unusual just for one of</p> <p>10 the sections, one of the rows like that to be out</p> <p>11 for recreation?</p> <p>12 A Was it unusual?</p> <p>13 Q Yeah.</p> <p>14 A No.</p> <p>15 Q Okay. All right. Did they -- in other</p> <p>16 words, was it only one, either east top or east</p> <p>17 bottom or west top or west bottom, one at a time out</p> <p>18 for rec? Is that how it was normally done?</p> <p>19 A Yes.</p> <p>20 Q Okay. All right. And then there's</p> <p>21 another security round at 4:05. Do you see that?</p> <p>22 A Yes.</p>	<p style="text-align: right;">Page 73</p> <p>1 there's not a place to hide or anything or a closet,</p> <p>2 you can see the person; right?</p> <p>3 A Yes.</p> <p>4 Q Okay. All right. And then there's an</p> <p>5 entry there at 1640 that looks like different</p> <p>6 handwriting. Do you recognize that handwriting?</p> <p>7 A No.</p> <p>8 Q All right. Can you make out what it says?</p> <p>9 A No.</p> <p>10 Q Meaning at 1700 it looks like it goes back</p> <p>11 to Officer Rene's handwriting, he does security</p> <p>12 rounds at 1700, 1730. Do you see those?</p> <p>13 A Yes.</p> <p>14 Q Okay. Now looking at this and comparing</p> <p>15 it with other similar documents, including your time</p> <p>16 there earlier, this looks like he's documenting a</p> <p>17 lot of security rounds?</p> <p>18 A Yes.</p> <p>19 Q Okay. And you would agree with me this is</p> <p>20 an unusual number of security rounds to document;</p> <p>21 right?</p> <p>22 A Yes.</p>

Page 86

1 A No.
 2 Q That would be Kenneth Faison. Did you
 3 know a detainee Dean Reese who was known as Black?
 4 A No.
 5 Q Did you know a detainee, Jermaine
 6 Mitchell?
 7 A No.
 8 Q Tony Clifton?
 9 A Say it again?
 10 Q Did you know Tony Clifton, a detainee?
 11 A No.
 12 Q What about Brandon Miller?
 13 A No.
 14 Q What about Terrell Fields?
 15 A No. They could all -- I just don't
 16 remember the names. Like I can't remember the name
 17 of every detainee that was on every section that I
 18 worked.
 19 Q Do you remember any of the names from G
 20 Section?
 21 A No.
 22 Q What about Dominic Evans, who went by

Page 87

1 Flatline?
 2 A No.
 3 Q What about Derron Johnson, who went by
 4 D-Nice?
 5 A No.
 6 Q What about Louis Dukes? Do you know that
 7 detainee?
 8 A No. No.
 9 Q Do you know if any of the people who
 10 attacked Mr. Wallace were prosecuted?
 11 A To my knowledge, they didn't know who did
 12 it.
 13 Q Have you ever seen the CIR report where
 14 there's a witness who identified, who was an
 15 eyewitness to the attack and identified three of the
 16 people that I named for you today as the attackers?
 17 A No.
 18 Q Did anybody from CIR ever tell you or IID
 19 ever tell you why they weren't going to prosecute
 20 these people?
 21 A No.
 22 Q Were you ever asked by any BGF members to

Page 88

1 move anything inside the jail or to or from the
 2 jail?
 3 A No.
 4 Q Were you ever aware of anyone else moving
 5 things, any other employees moving things in or out
 6 of the jail for BGF?
 7 A No.
 8 Q Do you know if there were consequences for
 9 prisoners who refused to join gangs? In other
 10 words, would the gangs attack them or do things like
 11 that?
 12 A I've heard of it, yes.
 13 Q Do you know -- I apologize if I asked you
 14 about this one. I can't remember. Did you know an
 15 detainee named Louis Dukes?
 16 A No.
 17 Q How well did you know Warden Johnson,
 18 Betty Johnson?
 19 A Other than she was the warden, I didn't
 20 know her. Nothing about her.
 21 Q Did you have any friends on the, who were
 22 corrections officers at the time?

Page 89

1 A Say it again?
 2 Q Did you have any friends who were
 3 corrections officers at the facility at the time,
 4 people you saw socially outside of work, that kind
 5 of thing?
 6 A Yes.
 7 Q Okay. Who were your friends who were
 8 correction officers?
 9 A Amy Lee.
 10 Q Okay. Who else?
 11 A That was pretty much it. I didn't -- at
 12 that time I didn't talk to a lot of my co-workers,
 13 like outside of work.
 14 Q Did you ever see any inmates or former
 15 inmates outside of work?
 16 A No.
 17 Q Did anyone from the Internal Investigative
 18 Division or the State's Attorney's Office or the FBI
 19 ever contact you in connection with what happened to
 20 Mr. Wallace?
 21 A No.
 22 Q After -- you mentioned to me the day after

OFFICE OF INMATE HEALTH SERVICES

SITE: BCDCM

COMPLETED BY: Phyllis Nyotta, RNP 12/02/2014 7:24 AM

PATIENT: DAQUAN WALLACE
DATE OF BIRTH: 08/22/1994
DATE: 12/02/2014 7:24 AM
VISIT TYPE: Provider Visit-unscheduled

Reason(s) for visit

1. **ALTERCATION** this is 20 yrs old male who was brought for evaluation due to altercation by other inmates. Inmate sustained left periorbital eye bruises and left eye conjunctiva hemorrhage. Inmate states he has pain on his left eye when he opens to light 4-5/10 and irritation due to light and also complains of left 2nd digit finger pain and no bruising or swelling noted. He also has left shoulder abrasion. He denies any loss of consciousness. Last tetanus shot was 1 yr ago. Denies any chest pain, dizziness or palpitation or any other injuries.

Chronic Problems

Asthma NOS

Allergies:

Allergen/Ingredient

Brand

Reaction:

No Known Drug Allergies

The patient is a tobacco user.

Vital Signs

<u>Time</u>	<u>Temp</u>	<u>Route</u>	<u>BP</u>	<u>Position</u>	<u>Site</u>	<u>Method</u>	<u>Cuff</u>	<u>Pulse</u>	<u>Pattern</u>
7:31 AM			108/72	sitting				78	

<u>Time</u>	<u>Resp</u>	<u>PulseOx</u>	<u>PulseOxAmb</u>	<u>Timing</u>	<u>PeakFlow</u>	<u>Timing</u>	<u>Method</u>
7:31 AM	18	98					

Physical exam

Constitutional: No apparent distress. Well nourished and well developed.

Eyes:

Left

Conjunctiva: redness/erythema.

Respiratory: Normal to inspection. Lungs clear to auscultation and percussion.

Cardiovascular: Regular rhythm. No murmurs, gallops, or rubs.

Integumentary:

Comments: left lower lip inside laceration, left periorbital eye bruised no swelling noted, left shoulder bruised

Musculoskeletal:

Comments: 2nd digit finger tender, no swelling, no abrasion, can flex and bend with mild pain.

Extremities: Extremities appear normal. No edema or cyanosis.

Neurological: Alert and oriented.

Assessment/ Plan

Injury Nec/nos (959), Symptomatic.

Medications new, active or stopped this visit:

<u>Brand Name</u>	<u>Dose</u>	<u>Sig Codes</u>	<u>Start Date</u>	<u>Stop Date</u>
2993245 WALLACE, DAQUAN	08/22/1994	1/2		

EXHIBIT

7

Ciloxan	0.3 %	***See desc	12/02/2014	12/08/2014
Tylenol	325 Mg	2PO TID PRN	12/02/2014	12/08/2014
Triple Antibiotic	3.5 Mg-400 Unit-5,000 Unit/gram		12/02/2014	12/02/2014

Office Services

<u>Status</u>	<u>Order</u>	<u>Reason</u>	<u>Interpretation</u>	<u>Value</u>
completed	Apply cold compress to the affected area			
completed	apply eye patch at all times due to sunlight			
completed	HIV education provided and test offered			
completed	Increase fluid intake			
completed	Increase fluid intake			
completed	Patient education provided and patient voiced understanding			
completed	Patient education provided and patient voiced understanding			
completed	pt cleared to go to court			
completed	RTC if symptoms get worse			
completed	RTC if symptoms get worse			
completed	Take new medication as prescribed			

To be scheduled/ordered

<u>Status</u>	<u>Order</u>	<u>Reason</u>	<u>Assessment</u>	<u>Timeframe</u>	<u>Appointment</u>
ordered	Rad Exam Finger(s) Mini 2 View L		959		12/02/2014

Referrals

<u>Status</u>	<u>Physician</u>	<u>Appointment</u>	<u>Timeframe</u>
ordered	Referral to Ophthalmology Eval and Treat		
	12/02/2014		

Provider: Phyllis Nyotta, RNP RNP

Document generated by: Phyllis Nyotta, RNP 12/02/2014 7:54 AM

OFFICE OF INMATE HEALTH SERVICES

SITE: BCDCM
COMPLETED BY: Eunice Ebo, RN **12/02/2014 6:01 PM**
Patient Name: DAQUAN WALLACE
IDOC#: 992993245
DOB: 08/22/1994

Patient presenting with chief complaint(s)of: Eye Irritation from light.

Vital Signs:

Date	Time	Temp	Pulse	Pattern	Resp	Pattern	BP	Sp O2	Peak Flow
12/02/2014	6:03 PM	97.6	70	regular	16		106/68		

HEENT

Subjective:

Date of Onset: 12/02/2014.
 Result of injury? Yes.
 Associated complaints of:
 Burning? Yes.
 Blurred vision? Yes.

" I was hit in the eye in the morning and light is irritating my eye."

Objective:

Eye
 Vision change? Yes.
 Conjunctiva normal? No.

Pt is aox3 presents with c/o above and already has an order for eye patch to prevent light irritation.

Assessment:

Alteration in comfort.
 Related to: eye injury or problem.
 Plan : Eye patch given , prescribed Eye drop supply was given to him by Med Nurse. RTC if sx persists.

Plan:

MEDICATIONS

Brand Name	Dose	Sig Codes	Start Date	Stop Date
Ciloxan	0.3 %	***See desc	12/02/2014	12/08/2014
Tylenol	325 Mg	2PO TID PRN	12/02/2014	12/08/2014
Triple Antibiotic	3.5 Mg-400 Unit-5,000 Unit/gram		12/02/2014	12/02/2014

Provider: Mohammad Saleem, MD

Document generated by: Eunice Ebo, RN 12/02/2014 6:09 PM

X-RAY REQUISITION

SITE: BCDCM

COMPLETED BY: Phyllis Nyotta, RNP **12/02/2014 7:24 AM**

X-RAY REQUISITION

Patient name: DAQUAN WALLACE

Address: JAL

, JAL,B,J,687
2993245

Fasting:

Call results:

Instructions: Please take this requisition to the X_Ray department.

CPT Order

73140 Rad Exam Finger(s) Mini 2 View

Dx Code

959

Diagnosis

Injury Nec/nos

Ordered by: Phyllis Nyotta, RNP RNP

Date: 12/02/2014 7:24 AM

X-RAY REQUISITION

SITE: BCBIC

COMPLETED BY: Tyeisha Powell, Clerk (12/02/2014 7:24 AM) 12/08/2014 3:30 PM

X-RAY REQUISITION

Patient name: DAQUAN WALLACE

Address: JAL
JAL,B,J,531
2993245

Fasting:

Call results:

Instructions: Please take this requisition to the X_Ray department.

<u>CPT Order</u>	<u>Dx Code</u>	<u>Diagnosis</u>
73140 Rad Exam Finger(s) Mini 2 View	959	Injury Nec/nos

Ordered by: Phyllis Nyotta, RNP RNP

Date: (12/02/2014 7:24 AM) 12/08/2014 3:30 PM

Interpreted by: Labib Syed, MD of

"S&L Readings"

Date Exam Read: 12/5/14

Interpretation: right 2nd digit

Frontal and lateral images demonstrate no evidence of an acute fracture, dislocation or subluxation. Alignment is anatomical.

Impression: No acute disease.

OFFICE OF INMATE HEALTH SERVICES

SITE: BCBIC

COMPLETED BY: Tadele Alemu, PA 09/09/2014 10:00 PM

Patient Name : DAQUAN WALLACE

IDOC# : 992993245

DOB : 08/22/1994

DATE : 09/09/2014 10:00 PM

HEALTH ASSESSMENT

Reason(s) for visit

1. Initial physical exam. A 20 yo AAM presents for initial physical examination with PMH of dental caries, asthma, fight/rape and sleeping d/o. Inmate complains of runny nose, sneezing and nasal congestion symptoms for the last 4 days but denies fever, chill or cough. Denies also CP, HTN, seizure d/o, diabetes, HIV, heroin/cocaine, alcohol, SA/SI/HA/HI or recent injuries.

Nursing Comments

Social History

Marital Status / Family / Social Support

Currently single.

Tobacco

Patient is a tobacco user. Type: cigarettes. quarter pack(s) per day. Years of use: 6. Cumulative exposure: 2 pack years.

Alcohol

There is no history of alcohol use.

Allergies

Allergies:

No Known Drug Allergies

Review of Systems

Constitutional: No fever, fatigue, or night sweats.

HEENT: No vision changes or headaches. No hearing loss.

Respiratory:

Comments: Asthma.



Cardiovascular: No chest pain or palpitations.

Vascular: Negative for claudication.

Gastrointestinal: No vomiting, diarrhea, constipation, or pain.

Genitourinary: No dysuria or hematuria.

Metabolic/Endocrine: No polyuria, polydipsia, or polyphagia. No cold/heat intolerance.

Neuro/Psychiatric:

Psychiatric Comments: Sleeping d/o.

Musculoskeletal:

Comments: Injury to right elbow s/p surgery when 12 yo per patient.

Hematology: No bruising or bleeding.

Immunology: No known food or environmental allergies.

Vital Signs

<u>BP</u>	<u>Temp F</u>	<u>Pulse</u>	<u>Resp Rate</u>	<u>Ht In</u>	<u>Wt Lb</u>	<u>Pain Score</u>
117/83	98.2	59	19	70.0	150.0	

Comments

Physical exam

Constitutional: No apparent distress. Well nourished and well developed.

Head / Face: Normocephalic.

Eyes:

Right

General eye condition is normal.

Lid/lash: normal.

No injection.

No icterus.

Left

General eye condition is normal.

Lid/lash: normal.

No injection.

No icterus.

Visual Acuity

OS 20 / 30

OD 20 / 30

Ears:

Right Unremarkable to inspection. External ear normal to palpation. Pinna normal to inspection.

Hearing grossly intact.

Left Unremarkable to inspection. External ear normal to palpation. Pinna normal to inspection. Hearing grossly intact.

Nose / Mouth / Throat: No nasal deformity. Mucous membranes normal. Tongue and throat appear normal. No mucosal lesions.

Neck / Thyroid: Supple, without adenopathy or enlarged thyroid.

Lymphatic: No palpable cervical, supraclavicular, or axillary adenopathy.

Respiratory: Normal to inspection. Lungs clear to auscultation and percussion.

Cardiovascular: Regular rhythm. No murmurs, gallops, or rubs.

Vascular: Well perfused. Carotid, femoral, and pedal pulses are normal.

Abdomen: Soft, non-tender, without organomegaly or masses.

Integumentary: No impressive skin lesions are present.

Back / Spine: No kyphosis or scoliosis.

Musculoskeletal:

Comments: Old scars on right elbow.

Extremities: Extremities appear normal. No edema or cyanosis.

Neurological: Alert and oriented.

Psychiatric:

The patient's affect is normal. The patient is negative for anhedonia, is not anxious,

Assessment/ Plan

Health examination (V70.5)

Asthma NOS (493.9), Chronic.

Allergic Rhinitis (477), Acute.

Insomnia NEC (780.52), Chronic.

Plan comments: Oral/dental exam done and education given. No kitchen work.

Medications new, active or stopped this encounter

Brand Name	Dose	Sig Codes	Start Date	Stop Date
Albuterol Sulfate Hfa	90 Mcg	Puffs 2 PO QID	09/09/2014	10/09/2014
Benadryl	25 Mg	25 MG PO QD.	09/09/2014	09/13/2014
Tylenol	325 Mg	650 MG PO BID PRN.	09/09/2014	09/13/2014

Office Services

Status	Order	Reason	Interpretation	Value
completed	Hepatitis C Information and Follow up given			
completed	HIV education provided			
completed	Instructions on How to Access Health Services given			
completed	Oral hygiene education provided			

Recurring Orders

Order	Frequency	Duration	End Date
Monitor vital signs-Peak Flow	1 x per week	1 Month	10/09/2014

To be scheduled/ordered

Status	Order	Reason	Assessment	Timeframe	Appointment
ordered	Monitor vital signs-Peak Flow		780.52		09/09/2014
ordered	Schedule chronic care clinic Respiratory			V70.5	1 Month

Lab Studies

Status	Lab Study	Timeframe	Date
ordered	Rapid Plasma Reagin (RPR), Qualitative		09/09/2014

Referrals

Status	Physician	Timeframe
	Appointment	

ordered
ordered

Placement - General population
Referral to Psychiatrist Eval and Treat
09/09/2014

Provider: Tadele Alemu, PA

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STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

STATE OF MARYLAND,	*	IN THE
	*	
V	*	CIRCUIT COURT
	*	
DAQUAN WALLACE,	*	FOR
	*	
Defendant.	*	BALTIMORE CITY
	*	
	*	114272010
	*	

* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS
(Plea Hearing)

BEFORE: THE HONORABLE JEFFREY M. GELLER, JUDGE

HEARING DATE: December 2, 2014

APPEARANCES:

For the State: Adam Chaudry, Esquire, ASA
Jeffrey Finucane, Esquire, ASA
For the Defendant: Jerome LaCorte, Esquire

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STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

TABLE OF CONTENTS

	Page
Bench Conference	3
Plea offer declined	13
Case set for trial	13

WITNESSES: D C RD RC

State:

None offered.

Defendant:

None offered.

EXHIBITS: MARKED ID RECD

State:

None offered.

Defendant:

None offered.

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

P R O C E E D I N G S

(On the record - 10:06:06 a.m.)

MR. CHAUDRY: Calling the State of Maryland versus Daquan Wallace. This is case number 114272010. Assistant State's Attorney Adam Lee Chaudry. I'm standing in for my colleague, Mr. Jeffrey Finucane.

MR. LACORTE: Good morning, Judge Geller. For the record, Jerome LaCorte on behalf of Daquan Wallace. Your Honor, may we briefly approach in this case?

THE COURT: Yes.

BENCH CONFERENCE

(Bench Conference begins - 10:02:40 a.m.)

(All Counsel approach the bench where the following ensues:)

THE COURT: Good morning.

MR. LACORTE: Good morning.

MR. CHAUDRY: Good morning, Your Honor.

THE COURT: Mr. Chaudry. Okay.

MR. LACORTE: Judge, I would just like to make a record here. I know it's not your policy to adjust bails at reception court.

THE COURT: It was briefly until I was slapped on the wrists and told not to do that.

MR. LACORTE: Somebody -- really. Well, Your Honor, I just would like to point out, I went to visit Mr.

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 Wallace on Friday, he had a cut on the side of his head.

2 THE COURT: Um-hum.

3 MR. LACORTE: And he told me he's being abused by
4 other inmates. This morning he's got a big black eye.
5 The bail in this case is \$75,000. His mom is here, she
6 had expected to be able to bail him out. She said she
7 could bail him if it was reduced to \$45,000. I'm just
8 worried for his well being. He's 20, he turned 20 in
9 August. He's on a bail to Judge Williams for the VOP. I
10 think that bail is \$75,000. I'm not asking you to adjust
11 that one. But if you could adjust this one, the family
12 could afford to get him out. And I just would like to
13 make that record, I'm concerned for his safety.

14 THE COURT: Well, can we work this whole thing
15 out today?

16 MR. LACORTE: With the probation, I don't think
17 it's -- I don't believe it's likely. The State's offer
18 increased from one year, it was one year at arraignment
19 and it's gone up to seven, for whatever reason. And I
20 don't say that in a critical way, but --

21 THE COURT: Let's see. He's got one prior. Am I
22 right here? So the same -- is it a plea deal all the
23 same?

24 MR. CHAUDRY: They're two different cases, Your
25 Honor.

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 MR. LACORTE: I'm sorry, Your Honor. At the
2 arraignment it was two years. And I think -- did the
3 State discover something or --

4 MR. CHAUDRY: I'd have to defer to my colleague
5 on it.

6 THE COURT: Let's see here. Security, possible
7 intruder. She activated the live feed. Oh, that's pretty
8 fancy.

9 MR. CHAUDRY: There's actually a picture in this
10 case, Your Honor. I don't know. I mean, this is just
11 one. I don't know how many other pictures there are.

12 THE COURT: All right.

13 MR. LACORTE: Yeah, that's the one I have. I
14 only have the one.

15 THE COURT: Um-hum.

16 MR. LACORTE: There was some film footage I
17 thought, wasn't there?

18 THE COURT: At that time Ms. Cook called a
19 neighbor. Then --

20 MR. CHAUDRY: Again, Your Honor, I'd defer to Mr.
21 Finucane.

22 THE COURT: Shortly -- Mr. Ritter had observed
23 the Defendant walk up the stairs in the house. He
24 proceeded down Rosewood Avenue. The police apprehended
25 the Defendant based on the description. In his

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 possession, a Playstation controller, video games, and a
2 cell phone. Also taken from the home but not recovered,
3 two Ipod. And Mr. Finucane's in trial or --

4 MR. CHAUDRY: Well, Your Honor, I believe he was
5 sent out yesterday to start something in front of Judge
6 Carrion. But I don't believe it was a trial, I think it
7 was just a motions hearing. So I would have to hold this
8 over. If someone else could stand in (inaudible 10:06:12)
9 Judge Carrion (inaudible 10:06:17).

10 THE COURT: According to this, Seth Giller and
11 Ms. Morgan Xavier are in trial with Judge Carrion.

12 MR. CHAUDRY: They are set to start, but I
13 believe Judge Peters sent Mr. Finucane early this morning
14 just for the sole purpose of the motions hearing with, I
15 believe it was Mr. Andrews.

16 THE COURT: It says ASA Jeffrey Finnegan.

17 MR. CHAUDRY: That's close, Your Honor.

18 THE COURT: I see that. So you have very limited
19 information. You don't know if Ms. Cook, the victim, is
20 here?

21 MR. CHAUDRY: I do know that he and I briefly
22 spoke about this case. I mean, as far as recommendations
23 go, I understand Defense's concern for his client. Folks
24 that do the crime even find jail as an unforgiving place.
25 The concern I have is that Mr. Kennedy was on probation at

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 the time.

2 THE COURT: Um-hum.

3 MR. CHAUDRY: We're not talking for a simple
4 possession of narcotics. Robbery deadly weapon, there's a
5 separate murder in the first, low and behold, this is
6 another burden to face. And just from what I'm reading
7 and what I know about it, it's probably a stronger we face
8 than, you know, we normally get.

9 THE COURT: Um-hum.

10 MR. CHAUDRY: So I would just say, and I'd advise
11 Counsel, I know he wanted to put this on the record. Just
12 if he's looking for a bail review, just put it in
13 (inaudible 10:07:36).

14 MR. LACORTE: And I certainly will do that. I
15 just -- Your Honor, I mean, the Court can see.

16 THE COURT: I saw it, yeah.

17 MR. LACORTE: Right. I mean, it's obvious. And
18 like I said, Friday when I went to see him at jail, he was
19 bleeding from the cut on the side of his face, which is
20 now slightly healed.

21 MR. CHAUDRY: The only other thing I can say to
22 that, just with my own experience in dealing with DPSCS,
23 they can either put him in segregation, or if he is housed
24 at BCDC, sometimes they move inmates that are susceptible
25 to violent attacks by male inmates, over to the witness

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 wing.

2 THE COURT: So he's 20-years-old. It looks like
3 he spent a good part of 2013 in jail waiting for that
4 trial.

5 MR. LACORTE: I think those cases were probably
6 pleaded on the same day, weren't they?

7 THE COURT: Yes, it looks that way.

8 MR. CHAUDRY: They were. It was a package.
9 Everything (inaudible 10:08:42), Your Honor.

10 MR. LACORTE: It looks like the one was indicted
11 the day after the other one from the case numbers. You
12 don't know whether they were part of the same case?

13 MR. CHAUDRY: Based upon the case numbers, they
14 would not be the same case. Your Honor, if you want -- if
15 Your Honor's trying to work something out, I would rather
16 defer to Mr. Finucane on this one. Mr. Wallace could be
17 brought back down, Mr. LaCorte's free. I know Mr.
18 Finucane has a case set at 11:00. He really didn't give
19 me any indication as to he would be back. I mean, I'm
20 just trying to cover for him.

21 THE COURT: Sure, I understand. Mr. LaCorte,
22 what else do you know about Mr. Wallace?

23 MR. LACORTE: Well, Your Honor, he is, like I
24 said, he's 20, he was working at, or tells me anyway, that
25 he was working at Walmart at night, trying to get his GED.

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 His mother is present in court today. He attended school
2 through the eleventh grade at Mervo. He was working at,
3 before that, he was working at Little Caesar's at
4 Reisterstown Plaza, one of those shaker board people that
5 you see.

6 THE COURT: Um-hum.

7 MR. LACORTE: Lives with his grandmother. He
8 suffers from lead poisoning, he's not able to read. His
9 girlfriend had a baby on September 1st.

10 THE COURT: He can't read, but he's trying to get
11 his GED?

12 MR. LACORTE: Well, he's trying. He's --

13 THE COURT: Okay.

14 MR. LACORTE: So I'm, frankly, not ready at this
15 point to go to trial today. I need to do a little further
16 investigation.

17 THE COURT: All right, why don't we do this. Do
18 you believe Mr. Finucane will be here at 11:00?

19 MR. CHAUDRY: Your Honor, I can -- in between I
20 can maybe walk down to Judge Carrion. I mean, she's in
21 this courthouse, just to find out what the status is. The
22 case could be disposed of by now (inaudible 10:11:13).

23 THE COURT: True. I'd like to see if potentially
24 we could figure something out today.

25 MR. LACORTE: Your Honor, may I ask is it the

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 Court's practice to contact other judges to see if
2 probation would be transferred?

3 THE COURT: I'm happy --

4 MR. LACORTE: That's the one piece of this I'm
5 not clear about.

6 THE COURT: I'm happy to call Judge Williams.
7 And he's typically pretty amenable to transferring if we
8 can work something out.

9 MR. LACORTE: Very well. I appreciate it. I'll
10 be here at 11:00 then. If Mr. Finucane can be here.

11 MR. CHAUDRY: I know he has a case at 11:00, but
12 that's with Ms. Shapiro.

13 THE COURT: So why don't we do this. Do have
14 other things on the docket this morning?

15 MR. CHAUDRY: I have one case in front of Your
16 Honor that I'm standing in for Ms. Mantagna.

17 THE COURT: All right. Would you mind doing the
18 -- having that little exercise of going down to the second
19 floor?

20 MR. CHAUDRY: I'll stretch the legs, Your Honor.

21 THE COURT: All right. So for now, just step
22 back.

23 MR. LACORTE: Thank you, Your Honor.

24 THE COURT: And we'll wait and see what Mr.
25 Finucane's status is.

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 MR. LACORTE: Thank you.

2 MR. CHAUDRY: Thank you.

3 (Bench Conference concluded - 10:12:16 a.m.)

4 (Off the record - 10:12:16 a.m.)

5 (Session resumes - 10:35:57 a.m.)

6 MR. CHAUDRY: Your Honor, when the Court's ready,
7 if I could recall briefly Daquan Wallace.

8 THE COURT: Yes.

9 MR. CHAUDRY: This is case number 114272010.
10 Assistant State's Attorney, Adam Lee Chaudry, for the
11 State. Again, I'm standing in for my colleague, Mr.
12 Jeffrey Finucane.

13 MR. LACORTE: Jerome LaCorte on behalf of Daquan
14 Wallace, Your Honor. I'll waive his appearance just for
15 the purposes of this.

16 THE COURT: All right.

17 MR. LACORTE: I understand Mr. Chaudry --

18 MR. CHAUDRY: Your Honor, thanks for the Court's
19 patience, it took me a little while. They just started.
20 It's highly unlikely they're going to be done before
21 11:00. Mr. Finucane did advise me the State's witness
22 are, or the victims are, on call, 100 percent available.
23 Mr. Finucane that if the Court would consider holding this
24 matter til 2:00, he would be available by then.

25 THE COURT: 2:00?

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 MR. LACORTE: I'll be here, Your Honor.

2 THE COURT: Okay.

3 MR. CHAUDRY: Thank you, Your Honor.

4 THE COURT: And I can, in the -- I'll, in the
5 meantime, call Judge Williams and see if he's willing to
6 transfer to try to work something out.

7 MR. LACORTE: Thank you, Your Honor.

8 (Off the record - 10:36:58 a.m.)

9 (Session resumes - 02:43:20 p.m.)

10 MR. FINUCANE: Your Honor, if I may recall the
11 Wallace matter.

12 THE COURT: Yes.

13 MR. FINUCANE: State of Maryland versus Daquan
14 Wallace. Case number 114272010. Jeffrey Finucane for the
15 State.

16 MR. LACORTE: Jerome LaCorte for Daquan Wallace.
17 Your Honor, may I put the Court's offer on the record?

18 THE COURT: Yes.

19 MR. LACORTE: Mr. Wallace, you understand that
20 during the lunch break Judge Geller called Judge Williams,
21 spoke to him about your two probations. You have two
22 probations to Judge Williams, you're backing up 12 years
23 and six months in each case. Judge Geller has extended a
24 plea offer for the first-degree burglary in this case and
25 for the two violations of probation. The sentence would

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 be a total of 18 months to serve. You would get credit
2 for the time you've already served. Do you understand
3 that?

4 MR. WALLACE: (Affirmative nod)

5 MR. LACORTE: The offer is, if you plead to the
6 first-degree burglary in this case, the sentence would be
7 15 years, suspend all but 18 months, three years
8 probation. And Judge Geller has agreed to give you 18
9 months concurrent on each of the two VOPs. Do you
10 understand that?

11 MR. WALLACE: Yes.

12 MR. LACORTE: If you were to accept that plea,
13 you'd have a total sentence of 18 months. You'd be given
14 credit from September 2nd of 2014. Now, do you wish to
15 take advantage of that plea offer or not?

16 MR. WALLACE: (Negative nod).

17 MR. LACORTE: Speak up, please.

18 MR. WALLACE: No.

19 MR. LACORTE: He doesn't wish to take the Court's
20 offer, Your Honor.

21 THE COURT: Okay, Mr. Wallace. And he does
22 understand that there's no court available to try the case
23 right now, so he's going to be waiting for another couple
24 of those months?

25 MR. LACORTE: Do you understand that, Mr.

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

1 Wallace? I trial date that the State and I have been able
2 to select is February 26th, do you understand that?

3 MR. WALLACE: Yes.

4 MR. LACORTE: And it's your desire to postpone
5 the case and come back in and have a trial?

6 MR. WALLACE: (Affirmative nod).

7 MR. LACORTE: Very well. Thank you, Your Honor.

8 THE COURT: Okay. We'll try it. I will say this
9 to Mr. Wallace and Ms. Wallace. If he changes his mind
10 before the end of the month, contact my chambers. I'll
11 keep it open til the end of the month.

12 MR. LACORTE: Thank you, Judge Geller.

13 THE COURT: Then it will be out of my hands,
14 because I'll be on the civil docket.

15 MR. LACORTE: Thank you, Your Honor.

16 THE COURT: All right. The case is postponed,
17 February the 26th, Part 46, 9:30.

18 MR. LACORTE: Thank you, Judge Geller.

19 (Off the record - 02:46:42 p.m.)
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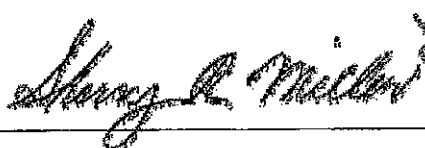
STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

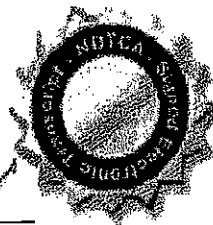
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I hereby certify that the proceedings, herein contained were transcribed by me or under my direction. That said transcript is a true and accurate record to the best of my ability and constitutes the official transcript thereof.

In witness thereof, I have hereunto subscribed my name on this 21st day of April, 2017.


Sherry R. Miller, President



A	back 8:17,19 10:22 14:5 backing 12:22 bail 4:5,6,7,9,10 7:12 bails 3:20 Baltimore 1:4,22 15:4 based 5:25 8:13 BCDC 7:24 begins 3:12 behalf 3:8 11:13 behold 7:5 believe 4:17 6:4,6,13 6:15 9:18 bench 2:4 3:11,12,13 11:3 best 15:10 big 4:4 black 4:4 bleeding 7:19 board 9:4 break 12:20 briefly 3:9,22 6:21 11:7 brought 8:17 burden 7:6 burglary 12:24 13:6	Cert 1:18 certainly 7:14 CERTIFICATE 15:1 certify 15:2,7 CET-745 1:18 chambers 14:10 changes 14:9 Chaudry 1:14 3:3,5 3:17,18 4:24 5:4,9 5:20 6:4,12,17,21 7:3,10,21 8:8,13 9:19 10:11,15,20 11:2,6,9,10,17,18 12:3 Circuit 1:2 15:4 City 1:4 15:5 civil 14:14 clear 10:5 client 6:23 close 6:17 colleague 3:6 5:4 11:11 come 14:5 concern 6:23,25 concerned 4:13 concluded 11:3 concurrent 13:9 Conference 2:4 3:11 3:12 11:3 consider 11:23 constitutes 15:10 contact 10:1 14:10 contained 15:8 CONTENTS 2:1 controller 6:1 Cook 5:18 6:19 Counsel 3:13 7:11 couple 13:23 court 1:2 3:10,15,18 3:21,22 4:2,14,21 5:6,12,15,18,22 6:10,16,18 7:2,9,15 7:16 8:2,7,21 9:1,6 9:10,13,17,23 10:3	10:6,13,17,21,24 11:8,16,23,25 12:2 12:4,12,18 13:21,22 14:8,13,16 15:4 Court's 10:1 11:6,18 12:17 13:19 courthouse 9:21 cover 8:20 credit 13:1,14 crime 6:24 critical 4:20 cut 4:1 7:19
B	C	D	
baby 9:9	C 2:8 3:1 Caesar's 9:3 call 10:6 11:22 12:5 called 5:18 12:20 Calling 3:3 can't 9:10 Carrion 6:6,9,11 9:20 case 2:6 3:4,9 4:5 5:10 6:22 8:11,12 8:13,14,18 9:22 10:11,15 11:9 12:14,23,24 13:6,22 14:5,16 15:3 cases 4:24 8:5 cell 6:2	D 2:8 3:1 Daquan 1:3 3:4,8 11:7,13 12:13,16 15:3 date 1:12 14:1 day 8:6,11 15:13 deadly 7:4 deal 4:22 dealing 7:22 December 1:12 15:5 declined 2:5 Defendant 1:4,16 2:11,17 5:23,25 Defense's 6:23 defer 5:4,20 8:16 description 5:25 desire 14:4 didn't 8:18 different 4:24 digital 1:24 15:5 direction 15:8 discovery 5:3 disposed 9:22 docket 10:14 14:14 doesn't 13:19 doing 10:17 don't 4:16,17,20 5:10 5:11 6:6,19 8:12 9:17 10:13 DPSCS 7:22	

STATE OF MARYLAND v. DAQUAN WALLACE
December 2, 2014 BEFORE JEFFREY M. GELLER, Judge

Page 17

E	G	I	
E 3:1,1	G 3:1	I'd 5:4,20 7:10 9:23	5:1,13,16 7:14,17
early 6:13	games 6:1	I'll 10:9,20 11:14	8:5,10,21,23 9:7,12
either 7:23	GED 8:25 9:11	12:1,4 14:10,14	9:14,25 10:4,9,23
eleventh 9:2	Geller 1:10 3:7 12:20	I'm 3:5 4:7,10,13 5:1	11:1,13,13,17 12:1
ensues 3:14	12:23 13:8 14:12	7:6 8:19 9:14 10:3	12:7,16,16,19 13:5
Esquire 1:14,15,16	14:18	10:4,6,16 11:11	13:12,17,19,25 14:4
exercise 10:18	Giller 6:10	ID 2:14	14:7,12,15,18
EXHIBITS 2:14	girlfriend 9:9	inaudible 6:8,9 7:13	LaCorte's 8:17
expected 4:6	give 8:18 13:8	8:9 9:22	lead 9:8
experience 7:22	given 13:13	increased 4:18	Lee 3:5 11:10
extended 12:23	go 6:23 9:15	indication 8:19	legs 10:20
eye 4:4	going 10:18 11:20	indicted 8:10	Let's 4:21 5:6
F	13:23	information 6:19	limited 6:18
face 7:6,7,19	good 3:7,15,16,17 8:3	inmates 4:4 7:24,25	little 9:3,15 10:18
family 4:11	grade 9:2	intruder 5:7	11:19
fancy 5:8	grandmother 9:7	investigation 9:16	live 5:7
far 6:22	H	Ipod 6:3	Lives 9:7
Fax 1:22	hands 14:13	it's 3:20 4:17,17,19	looking 7:12
February 14:2,17	happy 10:3,6	7:7,17 11:20 14:4	looks 8:2,7,10
feed 5:7	he's 4:3,4,8,9,21 7:12	J	low 7:5
figure 9:24	8:2,24 9:8,10,12,12	jail 6:24 7:18 8:3	lunch 12:20
film 5:16	10:7 12:5 13:23	Jeffrey 1:10,15 3:6	M
find 6:24 9:21	head 4:1	6:16 11:12 12:14	M 1:10
Finnegan 6:16	healed 7:20	Jerome 1:16 3:8	male 7:25
Finucane 1:15 3:6	heard 15:4	11:13 12:16	Mantagna 10:16
5:21 6:13 8:16,18	hearing 1:8,12 6:7,14	Judge 1:10 3:7,19 4:9	MARKED 2:14
9:18 10:10 11:12	hereunto 15:12	6:5,9,11,13 9:20	Maryland 1:1,22 3:3
11:21,23 12:10,13	highly 11:20	10:6 12:5,20,20,22	12:13 15:3
12:14	hold 6:7	12:23 13:8 14:12	matter 11:24 12:11
Finucane's 6:3 10:25	holding 11:23	14:18	15:3
first 7:5	home 6:2	judges 10:1	mean 5:10 6:22 7:15
first-degree 12:24	Honor 3:9,17,25 4:25	K	7:17 8:19 9:20
13:6	5:1,10,20 6:4,17	keep 14:11	media 1:24 15:5
floor 10:19	7:15 8:9,14,23 9:19	Kelly 1:18	Mervo 9:2
Folks 6:23	9:25 10:16,20,23	Kennedy 6:25	Miller 15:17
following 3:13	11:6,14,18 12:1,3,7	know 3:20 5:10,11	mind 10:17 14:9
footage 5:16	12:10,17 13:20	6:19,21 7:7,8,11	mom 4:5
frankly 9:14	14:7,15	8:12,17,22 10:11	month 14:10,11
free 8:17	Honor's 8:15	L	months 12:23 13:1,7
Friday 4:1 7:18	HONORABLE 1:10	LaCorte 1:16 3:7,8	13:9,13,24
front 6:5 10:15	house 5:23	3:16,19,24 4:3,16	Morgan 6:11
further 9:15	housed 7:23		morning 3:7,15,16
			3:17 4:4 6:13 10:14
			mother 9:1

<p>motions 6:7,14 move 7:24 murder 7:5</p> <hr/> <p>N</p> <p>N 3:1 name 15:13 narcotics 7:4 need 9:15 Negative 13:16 neighbor 5:19 night 8:25 nod 13:4,16 14:6 normally 7:8 number 3:4 11:9 12:14 15:4 numbers 8:11,13</p> <hr/> <p>O</p> <p>O 3:1 observed 5:22 obvious 7:17 offer 2:5 4:17 12:17 12:24 13:5,15,20 offered 2:10,12,16,18 official 1:7 15:10 Oh 5:7 Okay 3:18 9:13 12:2 13:21 14:8 open 14:11</p> <hr/> <p>P</p> <p>P 3:1 p.m 12:9 14:19 package 8:8 Page 2:3 part 8:3,12 14:17 patience 11:19 people 9:4 percent 11:22 Peters 6:13 phone 6:2 picture 5:9 pictures 5:11 piece 10:4</p>	<p>place 6:24 Playstation 6:1 Plaza 9:4 plea 1:8 2:5 4:22 12:24 13:12,15 plead 13:5 pleaded 8:6 please 13:17 point 3:25 9:15 poisoning 9:8 police 5:24 policy 3:20 possession 6:1 7:4 possible 5:6 postpone 14:4 postponed 14:16 potentially 9:23 practice 10:1 present 9:1 President 15:17 pretty 5:7 10:7 prior 4:21 probably 7:7 8:5 probation 4:16 6:25 10:2 12:25 13:8 probations 12:21,22 proceeded 5:24 proceedings 1:7,24 15:2,7 produced 1:25 purpose 6:14 purposes 11:15 put 7:11,12,23 12:17</p> <hr/> <p>Q</p> <hr/> <p>R</p> <p>R 3:1 15:17 RC 2:8 RD 2:8 read 9:8,10 reading 7:6 ready 9:14 11:6 really 3:24 8:18 reason 4:19</p>	<p>recall 11:7 12:10 RECD 2:14 reception 3:21 recommendations 6:22 record 3:2,8,20 4:13 7:11 11:4 12:8,17 14:19 15:9 recorded 1:24 15:5 recovered 6:2 reduced 4:7 Reisterstown 9:4 resumes 11:5 12:9 review 7:12 right 4:22 5:12 7:17 9:17 10:17,21 11:16 13:23 14:16 Ritter 5:22 Robbery 7:4 Rogers 1:21 Rosewood 5:24</p> <hr/> <p>S</p> <p>S 3:1 safety 4:13 saw 7:16 says 6:16 school 9:1 second 10:18 Security 5:6 see 4:21 5:6 6:18 7:15 7:18 9:5,23 10:1,24 12:5 segregation 7:23 select 14:2 sent 6:5,13 sentence 12:25 13:6 13:13 separate 7:5 September 9:9 13:14 serve 13:1 served 13:2 service 1:21,21,25 Session 11:5 12:9 set 2:6 6:12 8:18</p>	<p>Seth 6:10 seven 4:19 shaker 9:4 Shapiro 10:12 she's 9:20 Sherry 15:17 Shortly 5:22 side 4:1 7:19 simple 7:3 six 12:23 slapped 3:22 slightly 7:20 sole 6:14 Somebody 3:24 sorry 5:1 Speak 13:17 spent 8:3 spoke 6:22 12:21 stairs 5:23 stand 6:8 standing 3:5 10:16 11:11 start 6:5,12 started 11:19 State 1:1,14 2:9,15 3:3 5:3 11:11 12:13 12:15 14:1 15:3 State's 3:5 4:17 11:10,21 status 9:21 10:25 step 10:21 stretch 10:20 stronger 7:7 subscribed 15:12 suffers 9:8 Sure 8:21 susceptible 7:24 suspend 13:7</p> <hr/> <p>T</p> <p>TABLE 2:1 take 13:15,19 taken 6:2 talking 7:3 Taylor 1:18</p>
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tells 8:24	7:2,9 9:6	15:12	13 2:5,6
Thank 10:23 11:1,2	understand 6:23	WITNESSES 2:8	15 13:7
12:3,7 14:7,12,15	8:21 11:17 12:19	work 4:14 8:15 10:8	18 13:1,7,8,13
14:18	13:2,10,22,25 14:2	12:6	1st 9:9
thanks 11:18	unforgiving 6:24	working 8:24,25 9:2	
that's 5:7,13 6:17		9:3	2
10:4,12	V	worried 4:8	2 1:12 15:5
there's 5:9 7:4 13:22	V 1:2	wrists 3:23	2:00 11:24,25
thereof 15:11,12	versus 3:4 12:13 15:3		20 4:8,8 8:24
they're 4:24 11:20	victim 6:19	X	20-years-old 8:2
thing 4:14 7:21	victims 11:22	Xavier 6:11	2007 1:21
things 10:14	video 1:24 6:1 15:6		2013 8:3
think 4:10,16 5:2 6:6	violations 12:25	Y	2014 1:12 13:14 15:5
8:5	violent 7:25	yeah 5:13 7:16	2017 15:13
thought 5:17	visit 3:25	year 4:18,18	21209 1:22
three 13:7	VOP 4:9	years 5:2 12:22 13:7	21st 15:13
time 5:18 7:1 13:2	VOPs 13:9	13:7	26th 14:2,17
today 4:15 9:1,15,24	W	yesterday 6:5	2nd 13:14
told 3:23 4:3	W 1:21	you'd 13:13,13	3
total 13:1,13	wait 10:24	you're 12:22	3 2:4
transcribed 15:8	waiting 8:3 13:23	you've 13:2	4
TRANSCRIBER'S	waive 11:14	Z	410-466-2033 1:22
15:1	walk 5:23 9:20	0	45,000 4:7
transcript 1:7,25	Wallace 1:3 3:4,8 4:1	02:43:20 12:9	46 14:17
15:9,10	8:16,22 11:7,14	02:46:42 14:19	5
transcription 1:20,21	12:11,14,16,19 13:4	1	6
1:25	13:11,16,18,21 14:1	10:02:40 3:12	667-210-2925 1:22
Transcriptionist	14:3,6,9,9 15:3	10:06:06 3:2	7
1:18	Walmart 8:25	10:06:12 6:8	75,000 4:5,10
transfer 12:6	want 8:14	10:06:17 6:9	8
transferred 10:2	wanted 7:11	10:07:36 7:13	9
transferring 10:7	wasn't 5:17	10:08:42 8:9	9:30 14:17
trial 2:6 6:3,6,11 8:4	way 4:20 8:7	10:11:13 9:22	
9:15 14:1,5	we'll 10:24 14:8	10:12:16 11:3,4	
true 9:23 15:9	We're 7:3	10:35:57 11:5	
try 12:6 13:22 14:8	weapon 7:4	10:36:58 12:8	
trying 8:15,20,25	went 3:25 7:18	100 11:22	
9:10,12	weren't 8:6	11:00 8:18 9:18	
turned 4:8	Williams 4:9 10:6	10:10,11 11:21	
two 4:24 5:2 6:3	12:5,20,22	114272010 1:5 3:4	
12:21,21,25 13:9	willing 12:5	11:9 12:14 15:4	
typically 10:7	wing 8:1	12 12:22	
U	wish 13:14,19		
Um-hum 4:2 5:15	witness 7:25 11:21		

In the Matter Of:

NICOLE WALLACE, ET AL

vs.

STATE OF MARYLAND, ET AL

TAMARA PATTERSON

June 21, 2018

epiq
court reporting solutions

EXHIBIT

10

Page 22

1 A That's my understanding. That it was shut
2 down because it wasn't feasible for inmates to be
3 housed there any longer.
4 Q Because of the physical structure?
5 A Yes.
6 Q Any other reasons?
7 A No.
8 Q Was there any problem during your tenure
9 there with gang activity in the prison, to the extent
10 that prisoners cooperated with guards and guards
11 cooperated with prisoners to perform criminal conduct
12 there?
13 A Yes.
14 Q When did you first become aware of that
15 during your tenure?
16 A It was right before they came in to arrest
17 the officers who were involved with the inmates.
18 Q All right. And how did you find out?
19 A There were people talking about it. You
20 know, officers, other officers. Like rumors going
21 around that this was going on.
22 Q Okay. And what were the rumors exactly?

Page 23

1 What did you hear prior to the arrest actually taking
2 place?
3 A That there were certain officers involved
4 with one particular MV.
5 Q And when you say "involved with?"
6 A Had a relationship.
7 Q Okay.
8 A With this inmate.
9 Q I don't want to be crude, but a physical
10 relationship, was that your understanding?
11 A Yes.
12 Q And in addition to the physical
13 relationships, did you understand that there was other
14 potential criminal conduct that these guards were
15 engaging in with or on behalf of inmates?
16 A Yes. I've heard that also, yes.
17 Q And did you have any personal knowledge of
18 any of that prior to just -- other than hearing rumors?
19 A No.
20 Q So you never saw any of it, just heard
21 rumors?
22 A No. Exactly.

Page 24

1 Q All right. And when you heard these
2 rumors, as a lieutenant, you were -- what year was
3 this, just roughly?
4 A I don't remember the year that -- I don't
5 remember exactly what year that was.
6 Q Well, you left in '15.
7 A Right. I know it wasn't long before I
8 left, but I don't remember the exact year.
9 Q So probably would have been '14 or '15, is
10 that your recollection?
11 A I know it wasn't '15, so, it could have
12 been '14.
13 Q All right. And when you heard out about
14 these issues, you were obviously a lieutenant at the
15 time?
16 A Uh-huh.
17 Q I should have warned you. Because we are
18 in a deposition, she's taking everything down, so,
19 whereas normally I know what you meant when you said
20 uh-huh --
21 A Yes.
22 Q Make sure you say yes or no, if that what

Page 25

1 is you mean, so she can take it down. I'll go over a
2 couple ground rules, because that alerts me to the fact
3 that you might not have had time to go over them
4 earlier with anybody else.
5 So, I'm obviously taking your deposition
6 today. You're under oath. It's because you're under
7 oath, it's important that the court reporter to my
8 right, your left, gets everything right. Okay?
9 A Yes.
10 Q So there is a bunch of rules that basically
11 is going to help that happen. One is, if you are like
12 me and you use your head or hands, go for it. It's no
13 problem. But also say yes or no. Don't just nod your
14 head, she can't take that.
15 Try to avoid colloquial answers like uh-huh
16 or huh-uh, because it is very hard to tell whether that
17 is a yes or no when she types up all the U's and G's.
18 A All right.
19 Q Try to use yes or no if it is appropriate.
20 If you need to take a break at any time, I
21 don't need to know why, just let me know. We have got
22 plenty to drink, plenty of caffeine, water, and the

<p style="text-align: right;">Page 54</p> <p>1 Q That's all right. Go ahead.</p> <p>2 A With the Jails Industries Building, when --</p> <p>3 their numbers would go inside the computer system and</p> <p>4 also on the paperwork. It would always start with a J,</p> <p>5 and we also had a J Section in Men's Detention Center,</p> <p>6 but because Jails Industries Building had five dorms,</p> <p>7 which were 500, 600, 700, 800, 900, it would be J, and</p> <p>8 if they slept in 500, and they slept in bed 501, it</p> <p>9 would be J 501, as compared to the Men's Detention</p> <p>10 Center, J section, their bed numbers would go from Bed</p> <p>11 1 up until 120, so it would be J001 over there.</p> <p>12 In the Jails Industries Building, whichever</p> <p>13 dorm they were in, it would be J and then 500 or J 600,</p> <p>14 and so forth.</p> <p>15 Q Okay. Understood. And was your role</p> <p>16 different? It sounds like when you moved to Jail</p> <p>17 Industries, it is roughly around the time you got your</p> <p>18 promotion to lieutenant; is that right?</p> <p>19 A It wasn't long after, yes.</p> <p>20 Q And what did you do physically?</p> <p>21 A I mean -- I'm sorry. I'm sorry. I got</p> <p>22 promoted after I was in the JI Building, which was -- I</p>	<p style="text-align: right;">Page 56</p> <p>1 A No. It didn't matter to me.</p> <p>2 Q Okay. All right.</p> <p>3 A I'm comfortable working anywhere in the</p> <p>4 institution.</p> <p>5 MR. HANSEL: Okay. Okay. We have been</p> <p>6 going close to an hour, let's take a little break, and</p> <p>7 we'll go for five minutes, just to leg stretches, and</p> <p>8 we can take a restroom break if you need it.</p> <p>9 (Recess)</p> <p>10 BY MR. HANSEL:</p> <p>11 Q We took a little break clear off the</p> <p>12 record. Everybody is comfortable, I hope.</p> <p>13 Going back on.</p> <p>14 During your time at the Baltimore County or</p> <p>15 Baltimore City Detention Center, did you ever have any</p> <p>16 contact from any of the relatives of Daquan Wallace?</p> <p>17 A His mother.</p> <p>18 Q All right. And how did you know his</p> <p>19 mother? Did you know it was Mrs. Wallace, Ms. Wallace,</p> <p>20 what did you call her?</p> <p>21 A Ms. Wallace.</p> <p>22 Q I just asked so we're all on the same page.</p>
<p style="text-align: right;">Page 55</p> <p>1 was in JI Building -- I got promoted in 2008, so I was</p> <p>2 in the JI Building since around 2005.</p> <p>3 Q Got it. All right. And what did you do in</p> <p>4 JI when you first got there that was different than you</p> <p>5 did in the Men's Detention Center, if anything?</p> <p>6 A It wasn't much of a difference to what I</p> <p>7 did, because it was the same concept. You know,</p> <p>8 security, safety, custody and control.</p> <p>9 Q Sure.</p> <p>10 A Nothing. Only difference is that was all</p> <p>11 dormitories, as compared to the Men's Detention Center</p> <p>12 and the cells.</p> <p>13 Q Was there a reason for the transfer? Did</p> <p>14 you request it, or how did that happen?</p> <p>15 A No. I didn't request the transfer. I</p> <p>16 mean, they can transfer you to any building at any</p> <p>17 time, so I was just transferred over there to that</p> <p>18 building.</p> <p>19 Q But do you know why? Was there any</p> <p>20 particular reason?</p> <p>21 A No.</p> <p>22 Q Did you ask?</p>	<p style="text-align: right;">Page 57</p> <p>1 And when do you think the first contact was from</p> <p>2 Ms. Wallace?</p> <p>3 A I'm not sure.</p> <p>4 Q Okay.</p> <p>5 A All right. She only contacted me once, but</p> <p>6 I'm not sure.</p> <p>7 Q All right. And it was obviously sometime</p> <p>8 prior to Daquan being attacked and ending up with some</p> <p>9 pretty bad injuries.</p> <p>10 A Yes.</p> <p>11 Q And when Ms. Wallace contacted you, how</p> <p>12 much did she contact you? Phone, email, text?</p> <p>13 A By way of phone.</p> <p>14 Q Where was Daquan at the time -- I don't</p> <p>15 mean at that second, but where was he housed when</p> <p>16 Ms. Wallace contacted you?</p> <p>17 A In the JI Building.</p> <p>18 Q Where in the JI Building? Do you remember</p> <p>19 which dorm?</p> <p>20 A I believe he was in 500 dorm.</p> <p>21 I'm not sure.</p> <p>22 Q All right. And how did Ms. Wallace get to</p>

<p>Page 62</p> <p>1 A Yes.</p> <p>2 Q All right. And tell me what the</p> <p>3 conversation with Ms. Wallace was. You said you were</p> <p>4 in your office. A call gets transferred to you. Tell</p> <p>5 me how the call went. What happened?</p> <p>6 A Okay. This is to the best of my knowledge.</p> <p>7 I remember Ms. Wallace calling. She informed me that</p> <p>8 her son had called her and was saying that other</p> <p>9 inmates were trying to get him to join a gang and that</p> <p>10 he didn't want to join a gang, and you know, that he</p> <p>11 was scared, and she was -- she asked me, is there any</p> <p>12 way he could be moved to protective custody. I</p> <p>13 explained to her -- I informed her that I would have</p> <p>14 him escorted to my office and I would find out from him</p> <p>15 what's going on, and because he's an adult, I would</p> <p>16 need for him to let me know, that he fears for his</p> <p>17 safety. If he does inform me that he fears for his</p> <p>18 safety, then I place him on protective custody, because</p> <p>19 we have to have the inmate actually inform us of that.</p> <p>20 Someone higher than me will have to place him in</p> <p>21 protective custody.</p> <p>22 Q And did she?</p>	<p>Page 64</p> <p>1 that you can do. And I told her it's okay, and he said</p> <p>2 that he would write an inmate statement. He wrote an</p> <p>3 inmate statement, saying that he didn't fear for his</p> <p>4 safety. He didn't want to be moved, and I did my</p> <p>5 paperwork, and that was it after she called me. I</p> <p>6 hadn't spoken to her again.</p> <p>7 Q Okay. So you had a total of two telephone</p> <p>8 calls with her, one where she called you, and one where</p> <p>9 you called her back with her son; is that right?</p> <p>10 A Yes.</p> <p>11 Q And other than those two calls, and this is</p> <p>12 one of those where it's important to listen to the</p> <p>13 question, other than those two calls, had you had any</p> <p>14 other type of communication with her, that would be an</p> <p>15 email, text, letter, sign language, any smoke signals,</p> <p>16 any other communication with her?</p> <p>17 A No.</p> <p>18 Q What about any other members of</p> <p>19 Mr. Wallace's family, excluding her and excluding Mr.</p> <p>20 Wallace?</p> <p>21 A No.</p> <p>22 Q All right. Now, was Mr. Wallace known to</p>
<p>Page 63</p> <p>1 A She said okay. I asked her to leave her</p> <p>2 phone number, so she left her phone number with me, and</p> <p>3 I called for him to come around to the office and it</p> <p>4 was myself and Sergeant Portee in the office, and I</p> <p>5 informed him what his mother had said and he became</p> <p>6 angry. I didn't tell her nothing like that. I don't</p> <p>7 know why she's calling you. I didn't say nothing like</p> <p>8 that to her. And I asked him, I said calm down, I said</p> <p>9 I'm going to call your mother, do you fear for your</p> <p>10 safety he said no. I said do you want to be moved, he</p> <p>11 said no. I called his mother. I had her on</p> <p>12 speakerphone and I explained to her, Ms. Wallace, I</p> <p>13 have your son here. He's saying that he didn't tell</p> <p>14 you any of that. He's not afraid. There is nothing</p> <p>15 wrong. He began yelling at his mother. Now, why --</p> <p>16 just screaming at her, and then I told him don't talk</p> <p>17 to your mother like that. That's your mother. Don't</p> <p>18 disrespect your mother. She's concerned for you.</p> <p>19 Q Okay.</p> <p>20 A And at that time she began crying on the</p> <p>21 phone and said well, thank you, Lieutenant Patterson, I</p> <p>22 don't know why he's acting like that. You've done all</p>	<p>Page 65</p> <p>1 you prior to receiving that call from his mother?</p> <p>2 A No.</p> <p>3 Q And after receiving that call from his</p> <p>4 mother, but before you were off duty and got the call</p> <p>5 that he had been attacked, during that time period, did</p> <p>6 you have any other interactions that you recall with</p> <p>7 Mr. Wallace?</p> <p>8 A No. I vaguely recall -- I think -- I don't</p> <p>9 know if it was the next day. I don't remember when it</p> <p>10 was. When I came to work again, I was informed that</p> <p>11 there was an inmate being disrespectful or whatever to</p> <p>12 the officers. I'm not sure. And didn't want to listen</p> <p>13 to what the officers were saying. Didn't want to</p> <p>14 comply. Cursing the officers out. And when the</p> <p>15 officers reported it, I asked them who was it, and it</p> <p>16 was him, and the officer said he didn't want to listen.</p> <p>17 I don't remember who the officers were at the time.</p> <p>18 That he just didn't want to listen. He was just being</p> <p>19 noncompliant.</p> <p>20 So any time we have an incident like that,</p> <p>21 I'll either respond to the dormitory, or I'll have the</p> <p>22 sergeant or another officer handcuff the inmate and</p>

Page 70

1 Q Okay. And when you say "just retired," was
2 it this year 2018?
3 A Yes.
4 Q Okay. And did she go with you when you
5 moved facilities?
6 A No. She didn't. She didn't go to -- I
7 mean, to MTC, Sergeant Portee was working at Central
8 Booking.
9 Q All right. And at this time during the
10 time when there were -- his mother was saying he was
11 being threatened and Ms. Wallace was attacked, was
12 Sergeant Portee assigned over at the JI Building?
13 A Yes.
14 Q Was she overseeing the dorm? I think you
15 said you thought it was 500, but whatever it was, was
16 she overseeing the dorm where Ms. Wallace was housed?
17 A No. She was just like me. Sergeant Portee
18 was more like my assistant. She was the sergeant, so
19 she would do a round. She didn't have one particular
20 dorm she was assigned to like the officers. She would
21 walk around with me and we would do our rounds and
22 everything.

Page 71

1 Q All right. So how many sergeants were
2 assigned to the JI Building?
3 A Two were on day shift.
4 Q And you were working day shift at the time?
5 A Yes.
6 Q All right. So who was your other sergeant?
7 A Sergeant Henderson.
8 Q All right. So, was there one lieutenant
9 and two sergeants on J Shift in the building at the
10 time?
11 A Yes.
12 Q All right.
13 A I do have one other thing to say.
14 Q Sure. Go ahead.
15 A Prior to me moving to MTC, I was moved over
16 to the Men's Detention Center for about a month, and
17 then transferred over to MTC.
18 Q Got it. So that would have been in 2015,
19 2014?
20 A Yes.
21 Q Somewhere in there?
22 A 2015.

Page 72

1 Q Okay. Got it.
2 A Me and Sergeant Portee both, were moved
3 over to the Men's Detention Center at that time.
4 Q All right. I think you said, and just
5 remind me, I think you said you weren't aware of any
6 disciplinary issues or gang-related issues that
7 Sergeant Portee had; is that right?
8 A That's correct.
9 Q All right. Prior to your request to
10 transfer him, had Mr. Wallace ever been assaulted in
11 the institution, as far as you know?
12 A Not that I know of.
13 Q Had he ever gotten in any fights whether he
14 was the victim or the perp, as far as you know?
15 A Not that I know of. I didn't know of him
16 until his mother called.
17 Q You said he was being disrespectful to
18 officers. Which officers in particular was he being
19 disrespectful to?
20 A I don't remember who the officers were that
21 were assigned to the dorm that day.
22 Q Did you hear about it from Sergeant Portee

Page 73

1 or somebody else?
2 A No. The officer that was assigned to the
3 dorm.
4 Q But you don't remember who that officer
5 was?
6 A No.
7 Q All right. And who were the -- well, let
8 me do it this way to make it easy. How many officers
9 would be assigned to Daquan Wallace's dorm at the time
10 in the JI Building?
11 A Two.
12 Q And he was, I take it, being disrespectful,
13 or you understand the complaint to be he was being
14 disrespectful to both of them?
15 A I'm not sure. Maybe a particular officer.
16 One officer would be inside the dorm, while the other
17 officer is inside the bubble area overseeing
18 everything.
19 Q What was the nature of the disrespect? You
20 said he was being noncompliant, so I take it they were
21 making requests that he wasn't following; is that it?
22 A Correct. The inmates were required to make

Page 74

1 their beds every morning, clean the area, even when
2 they would come out from lunch while over there -- when
3 they come out for lunch, we had a day room, so they
4 stayed in the dorm, but the dining room was right in
5 their dormitory. They would have to have on their jump
6 suits. Everyone had to keep their jump suits on. They
7 had to have their IDs with them.

8 They couldn't be in the television area
9 until the dorm was cleared, after everyone had made up
10 their beds. So it could have been that he didn't want
11 to make up his bed and he was refusing to get out of
12 the television area. It could have been anything like
13 that.

14 Q All right. Now, I understand, based on
15 your language, that you are giving me that as an
16 example. As you sit here, do you remember what the
17 issue was?

18 A No. I vaguely remember -- I believe that
19 he was cursing the officer out, and he was just being
20 noncompliant as to the orders that the officer was
21 giving him.

22 Q And did you talk to Mr. Wallace before

Page 75

1 putting in the transfer?

2 A Yes.

3 Q Yes. All right. And what did he say had
4 happened from his perspective?

5 A He just was continuing to be noncompliant.

6 Q Okay. In what way? What was he doing that
7 was noncompliant?

8 A Just saying that he's not going to do
9 anything. He's going to do what he wanted to do.

10 Q Were you asking him to do anything?

11 A I asked him why was he being noncompliant.
12 Why is it that you are disrespecting the officer? Why
13 is it that you just don't want to do what the officer
14 is telling you to do.

15 Q All right. Where did you go to see him?
16 Where was it?

17 A No. I had him brought into my office.

18 Q All right. Who brought him to?

19 A I don't remember.

20 Q And you said to him, why are you being
21 noncompliant, and he says words to the effect I'm going
22 to keep doing what I want to do?

Page 76

1 A Yes.

2 Q Was that the whole conversation?

3 A Yes.

4 Q All right. Now, how often is it that you
5 would initiate a transfer request?

6 A Any time there was an issue such as that
7 with an inmate being noncompliant, or if inmates were
8 fighting, it would be disciplinary reasons like that.
9 That's when I would initiate it. Or if an inmate fears
10 for safety and then I'm doing the paperwork to place
11 them on protective custody, I would do the protective
12 custody paperwork and also do the transfer to go along
13 with it, and wait for that approval.

14 Q So, this was -- you gave me a couple of
15 reasons people might be transferred. This was a
16 transfer for disciplinary reasons?

17 A Yes.

18 Q In other words, to discipline Mr. Wallace?

19 A Yes.

20 Q And how often did you make transfers for
21 disciplinary reasons? Once a month? Once a year?

22 A No. It could have been --

Page 77

1 MS. MULLALLY: Let him finish the question.

2 MR. HANSEL: You are doing great.

3 One more warning, it's real hard for the
4 court reporter to type two voices at once. I'm sorry,
5 I should have told you that earlier. So I will try to
6 make sure you are finished and you make sure I'm
7 finished as well.

8 The question is, how often did you do these
9 types of disciplinary transfers? Once a week, a month,
10 a year? What was the frequency?

11 A It varied. It could have been four times a
12 week. It depends. It may have been -- it may not have
13 been any during the week, but it would be a few times a
14 month. Several times a month.

15 Q And I guess I'm trying to understand, was
16 it -- was the JI Building, given the dormitory style
17 and everything else, was it preferred by inmates to the
18 Men's Detention Center? Was it a better facility or
19 better conditions in any way?

20 A I think that it is better. The dormitory
21 is a better setting. As far as inmates, they can't
22 request where they are being housed at, but at one

<p style="text-align: right;">Page 78</p> <p>1 point they changed the status to our building, the 2 security status, because it's dormitory settings, to 3 like minimum or medium. They were trying to alleviate 4 all maximum security people from being in the JI 5 Building, so again, that's traffic who would assign 6 them to that building, and then at the Men's Detention 7 Center, they had a few sections over there that were 8 classified for medium or minimum, just in case we 9 didn't have enough beds or we had issues. 10 Q All right. And which sections over at the 11 Men's Detention Center were minimum -- 12 A I'm not sure, Traffic would know. 13 Q But in general, people had more freedoms 14 and fewer restrictions in general at the JI Building 15 than at the Men's Detention Center? 16 A Yes. 17 Q Okay. And for that reason, it was 18 generally preferred by inmates to be at the JI 19 Building; is that right? 20 A I'm not sure if it was preferred by them. 21 Like I said, Traffic assigns them. 22 Q Well, I don't mean to say that they have a</p>	<p style="text-align: right;">Page 80</p> <p>1 A 90 percent. 2 Q 90 percent men? 3 A Yes. 4 Q All right. So Traffic then had the option 5 of putting him in MDC or WDC? 6 A Yes. 7 Q Do you know why he was placed in WDC as 8 opposed to MDC? 9 A You mean why he was placed into MDC? 10 Q Yes. I apologize. Yes. 11 A I'm not sure. It may be because they 12 didn't have any beds open, WDC, so they put him where a 13 bed was available. 14 Q All right. Were beds generally scarcer at 15 WDC for some reason? 16 A They were scarce throughout the institution 17 and again, I would say, because at the time they were 18 trying to confine it to their security status, he may 19 have not gone on a certain housing unit, because his 20 security status wasn't -- didn't fit that housing unit. 21 Q All right. And do you know what his 22 security status was?</p>
<p style="text-align: right;">Page 79</p> <p>1 say. I just mean -- well, you said it. They have more 2 freedoms and fewer restrictions; is that right? 3 A Yes. 4 Q And so, when you put in for the transfer 5 for these disciplinary reasons with Traffic, did you 6 expect that he would probably go to MDC? 7 A Yes. I know that he's going to go to MDC. 8 He wouldn't go to lockup. I couldn't approve him to go 9 to lockup, and because our lockup was overflowing and 10 we didn't always have enough beds for lockup. The 11 approval for an inmate to go in lockup was above me. I 12 can't approve for them to go into lockup. 13 Q And because -- and so you knew when you put 14 in the request, that he would be going to MDC? 15 A Yes. He would go to MDC or WDC. It's where 16 Traffic would assign them. 17 Q And WDC is the Women's Detention Center? 18 A It's called Women's Detention Center, but 19 it housed the men. We had men and women over in that 20 building. 21 Q What percentage of men at the time was at 22 WCD?</p>	<p style="text-align: right;">Page 81</p> <p>1 A No. I would believe that it would -- it 2 was probably medium. I'm not sure. 3 Q All right. And if it was medium, is there 4 an effort made to keep medium security people out of 5 maximum security situations? 6 A Again, they attempted to do that, because 7 why I still had some maximum security, because our beds 8 -- our bed space wasn't for the entire institution, we 9 didn't have much bed space, so we were also every once 10 in a while had maximum security and then we would still 11 try to get the maximum security moved out of the 12 building, when at all possible. 13 Q Okay. So because of the lack of bed space, 14 is it fair to say that there were sometimes assignments 15 to prisoners to a building that didn't meet the 16 security protocols associated with how they had been 17 designated? 18 A Yes. 19 Q All right. And for instance, a maximum 20 security prisoner could end up in a medium security 21 portion of the facility? 22 A Yes.</p>

Page 82

1 Q Okay. And again, this goes back to one of
2 those questions. It might sound obvious, but maximum
3 security prisoner is generally more dangerous to staff
4 and other inmates generally; is that correct?
5 A I wouldn't say that, because they worked on
6 a point system, and that's how they determine whether
7 they were maximum, medium, or minimum.
8 Q Right. But somebody who was a maximum
9 security had lost a lot of points?
10 A It may be because of their criminal history
11 being arrested so many times, but it doesn't mean that
12 it was a violent crime, or anything like that.
13 Q Okay. And violent crimes cost them more
14 points; right?
15 A I'm not sure. Case management handled all
16 of the point systems. I just know that it was based on
17 a point system.
18 Q All right. And at the time of Mr.
19 Wallace's transfer, I think you told me this before,
20 but do you recall whether it was -- whether it was at
21 the point where it required a captain to approve, or
22 whether it was at the point where it required a

Page 83

1 lieutenant to approve?
2 A Yes. I believe it was the captain had to
3 approve it.
4 Q All right.
5 A Yes. Captain.
6 Q And obviously you told me before, sergeants
7 never had that authority, so it wouldn't have been
8 appropriate for the sergeant to approve the transfer of
9 Daquan?
10 A Correct.
11 Q Now, you mentioned to me that Mr. Wallace,
12 when you brought him in your office, filled out a form,
13 or wrote a statement of some type, saying he was not in
14 fear for his safety; is that right?
15 A Yes.
16 Q All right. And he wrote -- I understand
17 it's a printed form, but he wrote some part of it in
18 his own handwriting?
19 A Yes.
20 Q And then he signed it at the bottom?
21 A Yes.
22 Q And then you also wrote a form that

Page 84

1 reflected substantially what you have told me about
2 that event; is that right?
3 A Yes.
4 Q All right. Have you had the chance since
5 those events occurred to look back at any of those
6 forms or documents?
7 A I'm not sure where any of the forms are.
8 Once I left BCDC, I don't know what happened to any of
9 the forms.
10 Q Okay.
11 A But I do know that the forms were forwarded
12 to the security chief and the warden.
13 Q Okay. And who was the security chief at
14 the time?
15 A I forget her name. She's retired.
16 Q Well, do me a favor. Think about it. If
17 it comes to mind, let me know.
18 In the meantime, I will ask you an easier
19 question: Who was the warden at the time?
20 A Ms. Johnson.
21 Q What is Ms. Johnson's first name?
22 A Betty.

Page 85

1 Q All right. So, the report that you wrote
2 and the one that Daquan Wallace signed the day he was
3 in your office, you would have forwarded it to the
4 Warden, Betty Johnson, and to the security chief; is
5 that right?
6 A Yes. I was off -- like I said, I was off.
7 Q Well, no, no. I'm back, the day he was in
8 your office and you met with him, and he said he was
9 not under any kind of threat?
10 A Well, that paperwork goes over to the
11 captain's office anyway. It was forwarded to
12 Ms. Johnson's office. A copy of it was forwarded to
13 her after the incident happened.
14 Q After the assault?
15 A Right. Because I received a call, asking
16 them -- informing me that this young man got hurt and
17 did I remember him, and I informed them that, you know,
18 I had paperwork I had done on him. I have a copy in
19 the file cabinet, and they had -- I think Sergeant
20 Henderson was working that day. He had pulled the copy
21 because I was off, and sent that over to them.
22 Q All right.

Page 98

1 it happened on G Section, which is a cell section.

2 **Q** And where is that located?

3 **A** That's in the Men's Detention Center in the
4 South Building.

5 **Q** Okay. All right.

6 **Did you follow up with anybody in G Section**
7 **to find out why or how the attack occurred?**

8 **A** No, because I wouldn't have done it anyway,
9 because I didn't work over there. It didn't happen on
10 my shift. I would just talk to Ms. Jackson, but I
11 wasn't as familiar with most of the officers or
12 anything in the Men's Detention Center since I haven't
13 worked over there in so long.

14 **Q** Okay. All right.

15 **Did you ever have any communications with a**
16 **Major Karen Moore?**

17 **A** Major Moore?

18 **Q** Yes.

19 **A** I believe it was Major Moore who approved
20 -- who I had to get the approval through, I'm not sure.
21 I think it was Major Moore who had to approve the
22 transfer, because I'm not sure if there was a captain

Page 99

1 there or not, and I do believe -- I did forward Major
2 Moore the paperwork -- the original paperwork when he
3 first wrote his inmate statement about when his mom
4 called. I informed her of that situation and forwarded
5 the paperwork over there to her prior to me making a
6 copy -- I mean, after making a copy to keep in our
7 files.

8 **Q** Okay. All right. Other than what we
9 already talked about, did you ever have any other
10 problems with Daquan Wallace -- well, let me ask you
11 this more simply. You told me about issues he had with
12 guards. Did he ever have any issues with inmates, to
13 your knowledge?

14 **A** Not to my knowledge.

15 **Q** So, prior to the assault on him, he was
16 never involved with, you know, assaulting inmates, or
17 extorting inmates, or stealing from inmates, nothing
18 like that?

19 **A** Not that I know of.

20 **Q** All right. And the paperwork that you gave
21 to Major Moore, it sounded like you thought it might
22 have been Major Moore who approved the transfer. If

Page 100

1 **that is right, the paperwork would show us one way or**
2 **the other; right?**

3 **A** Right. I'm not sure if it was her, but I
4 am sure that when his mother called, I informed her of
5 that, and I did all of the paperwork. My matter of
6 record, his inmate statement, and I forwarded it to her
7 so that she would know that his mother called about his
8 safety issue. That I spoke with him, he denied it and
9 everything, that she would know, and I forwarded the
10 original paperwork over to her.

11 **Q** All right. And when did you forward that?

12 **Was that around the time, shortly after --**

13 **A** The same. I'm sorry.

14 **Q** That's okay.

15 **A** The same day.

16 **Q** The same day that you had him in your
17 office talking to him?

18 **A** Yes.

19 **Q** And who was Major Karen Moore at the
20 institution? What did she do, oversee, that kind of
21 thing?

22 **A** She was the shift major for the entire

Page 101

1 institution.

2 **Q** So that covered both the Men's Detention
3 Center and JI, and the whole --

4 **A** And WDC, yes, and the annex building.

5 **Q** The report that you made to the --
6 regarding your interaction with Mr. Wallace, and I
7 guess his mother, is that -- I think you said you
8 signed that; right?

9 **A** Yes.

10 **Q** It has your signature?

11 **A** Yes.

12 **Q** All right. And you kept a copy in your
13 office and then forwarded the copy up the chain of
14 command the way you described earlier. You did both?

15 **A** Yes.

16 **Q** All right. Did you ever have any dealings
17 with an inmate by the name of Joseph Beatty,
18 B-E-A-T-T-Y?

19 **A** Not that I recall.

20 **Q** And did you work with an Officer Renee
21 Jackens?

22 **A** No. I remember the name Renee, but I don't

<p>Page 118</p> <p>1 A Yes.</p> <p>2 Q Is this the first time you are noticing</p> <p>3 that? In other words, earlier you talked to me about</p> <p>4 he was being transferred for --</p> <p>5 A Disrespect.</p> <p>6 Q Disrespect to the officers?</p> <p>7 A Right. Exactly. And that could be what it</p> <p>8 is.</p> <p>9 Q All right.</p> <p>10 A That he was being disrespectful to the</p> <p>11 officer and among doing other things. I'm not sure. I</p> <p>12 can't recall the whole incident.</p> <p>13 Q Okay. When I look at this document, there</p> <p>14 are -- there are some lines or marks that I want to</p> <p>15 point out to you. I'm just going to point them out on</p> <p>16 my copy so I can kind of circle them. They appear</p> <p>17 below the line that says the word "privileges"</p> <p>18 handwritten.</p> <p>19 When I see lines like that on a document</p> <p>20 like this, it sometimes suggests to me there might have</p> <p>21 been some edits or some whiteouts, or some changes.</p> <p>22 Are you aware of any edits or whiteouts or changes to</p>	<p>Page 120</p> <p>1 there?</p> <p>2 A Yes.</p> <p>3 Q And if you go into Exhibit 1, to the fourth</p> <p>4 page there, and this is the page, just to remind myself</p> <p>5 when I read this, where we were looking at the top</p> <p>6 portion that says: Historic Floor Section Cell Bed.</p> <p>7 It would show his transfer history and</p> <p>8 remember, I told you that we were going to come back</p> <p>9 and try to solve the riddle?</p> <p>10 A Yes.</p> <p>11 Q So look at the transfer history. The date</p> <p>12 that is next to the transfer BJ 531. In other words,</p> <p>13 he used to be in the JI Section, and the date that</p> <p>14 appears there is 12/18/14.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q And the date on the transfer request is</p> <p>18 12/18/14.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q I'm going to tell you my interpretation.</p> <p>22 I'm going to ask if you agree.</p>
<p>Page 119</p> <p>1 this document?</p> <p>2 A No. Just that these are copies that we</p> <p>3 often didn't have originals, so we would make copies.</p> <p>4 Q Okay. And you don't know anything about</p> <p>5 why those lines are there, do you? The ones that I</p> <p>6 circled and showed you?</p> <p>7 A No.</p> <p>8 Q All right. Now, under Recommended Type of</p> <p>9 Housing, before you signed this form, you could have</p> <p>10 chosen protective custody, segregation. You could have</p> <p>11 made some choices there to recommend, but you chose not</p> <p>12 to recommend anything. Is that right?</p> <p>13 A Yes.</p> <p>14 Q Okay. All right.</p> <p>15 A I probably just forgot to check general</p> <p>16 population.</p> <p>17 Q And looking up at that date, 12/18/14, is</p> <p>18 that when you signed off on this? The transfer</p> <p>19 couldn't happen until you signed off; right?</p> <p>20 A Right.</p> <p>21 Q Exactly. Okay. Now, going back to the</p> <p>22 prior exhibit, Exhibit 1. Do you still have a copy</p>	<p>Page 121</p> <p>1 To me that means he was transferred out of</p> <p>2 JI, and into the men's side on 12/18/14.</p> <p>3 A Yes.</p> <p>4 Q All right. So, now, that solves the riddle</p> <p>5 when we were looking at Exhibit 1, and we now know that</p> <p>6 these dates are the dates he left the area that's</p> <p>7 designated to the left of the date.</p> <p>8 A Correct.</p> <p>9 Q Okay. All right. So he left JI and went</p> <p>10 to MDC on 12/18/14; is that correct?</p> <p>11 A Yes.</p> <p>12 Q Okay. All right. And on 12/18/14, that's</p> <p>13 when he left. It's also when the request was made.</p> <p>14 Right?</p> <p>15 A Yes.</p> <p>16 Q And you had to sign off before he actually</p> <p>17 left; right?</p> <p>18 A I had to sign off before it goes to the</p> <p>19 traffic office. Yes.</p> <p>20 Q But before he was transferred it needed</p> <p>21 your signature?</p> <p>22 A Yes.</p>

<p>Page 134</p> <p>1 Q All right. And are you in touch with her</p> <p>2 at all?</p> <p>3 A No.</p> <p>4 Q And then there is a gentleman by the name</p> <p>5 of Dominick B-O-N-V-E-G-N-A, Bonvegna. Do you know who</p> <p>6 he is? My understanding is he's also from IID.</p> <p>7 A I was getting ready to say. I remember</p> <p>8 that name, also, I think when I have done a serious</p> <p>9 incident report. He may have been one of the</p> <p>10 detectives there.</p> <p>11 Q The people we talked about, Ms. Portee, the</p> <p>12 other folks I just listed, are you social friends with</p> <p>13 any of them?</p> <p>14 A Sergeant Portee is the only one that I talk</p> <p>15 to every once in a while.</p> <p>16 Q Okay.</p> <p>17 A As far as anyone else, I don't talk to</p> <p>18 them.</p> <p>19 Q All right. And when you say talk to her,</p> <p>20 you are relatively close friends? Is that fair to say?</p> <p>21 A Well, we call and see how each other is</p> <p>22 doing probably like once a month.</p>	<p>Page 136</p> <p>1 way it pointed, and these guys, Flatline and Meatball,</p> <p>2 and that's fine.</p> <p>3 Do you know why it didn't seem to go</p> <p>4 anywhere with following up with these guys?</p> <p>5 A I have no idea. I'm baffled. The only</p> <p>6 thing that I can think of is -- actually, I can't think</p> <p>7 of anything, because they have the original names, so.</p> <p>8 Q They have got the names, they have got that</p> <p>9 they were on the tier at the time. They have got a</p> <p>10 witness that says they that did it, who gave a recorded</p> <p>11 statement.</p> <p>12 A So I would think if you investigate,</p> <p>13 question them, and do all of that, so I don't know why</p> <p>14 that wasn't done. I figured if they found out who it</p> <p>15 was, they would go ahead and do --</p> <p>16 Q Me too.</p> <p>17 Now, do you recognize those three guys?</p> <p>18 Some of the documents I have them as BGF affiliated,</p> <p>19 that they are the people I listed for you Brandon</p> <p>20 Brown, Dominick Evans, Deron Johnson, who are Meatball,</p> <p>21 Flatline, and DeNice, do you have any information about</p> <p>22 them being BGF?</p>
<p>Page 135</p> <p>1 Q Even though -- I think you told me earlier,</p> <p>2 where does Sergeant Portee work now?</p> <p>3 A She's retired.</p> <p>4 Q And when was the last time the two of you</p> <p>5 worked in the same building? It's been a while?</p> <p>6 A It was in 2015.</p> <p>7 Q All right. So, as we sit here, you haven't</p> <p>8 worked directly together for about three years, but</p> <p>9 your guys still keep in touch once a day or so?</p> <p>10 A No. Probably about once a month. Once a</p> <p>11 month we may call each other.</p> <p>12 Q All right. And when was the last time you</p> <p>13 were with her, personally together, the two of you?</p> <p>14 A I don't know. It was about the time when</p> <p>15 we both were both were transferred. About three years</p> <p>16 ago.</p> <p>17 Q Sometime in 2015?</p> <p>18 A Yes.</p> <p>19 Q Okay. Is there any insight you can give me</p> <p>20 as to why there was no follow-up on the attack here?</p> <p>21 Again, I know the answer might be no, because you</p> <p>22 didn't seem to know about all the evidence and which</p>	<p>Page 137</p> <p>1 A No. Because this is the first that I'm</p> <p>2 hearing of them, so I don't know them.</p> <p>3 Q What, if any, of the guards that you worked</p> <p>4 with, or other personnel that you worked with over at</p> <p>5 JI were BGF affiliated?</p> <p>6 A If I received any information, as I said</p> <p>7 earlier, with any officers being affiliated, as far as</p> <p>8 BGF, I always informed the Internal Investigation Unit</p> <p>9 because I didn't want to work around any officers like</p> <p>10 that.</p> <p>11 Q Sure.</p> <p>12 A And I would announce in my roll call also</p> <p>13 that if I hear or find out that anyone is doing</p> <p>14 anything illegal, they don't have to wonder who told on</p> <p>15 them, I told on them. So I would randomly announce</p> <p>16 that in roll call.</p> <p>17 Q And how many times did you have to turn</p> <p>18 somebody in for being BGF affiliated?</p> <p>19 A I never turned anyone for being BGF</p> <p>20 affiliated, or any gang related. I only relayed</p> <p>21 information I may have heard to the Internal</p> <p>22 Investigation Unit if I suspected something just so</p>

Page 142

1 downstairs where the visitors come in. So, if she did,
 2 I don't know, because I didn't work her shift, if she
 3 did go upstairs at any time. I'm not sure.
 4 **Q** And when she was hiding stuff in the
 5 ceilings, what ceiling was she hiding it in?
 6 **A** I'm not sure if it was her, but I suspected
 7 it was her because it was in the visiting area.
 8 **Q** Where inmates would go to visit with people
 9 that came to see them?
 10 **A** Yes, but it wouldn't be on the side where
 11 the inmates would be, but because we had workers that
 12 would clean that area, they could retrieve it.
 13 **Q** Okay. All right. And I understand this is
 14 -- you know, that you have to do some sort of process
 15 of -- you have to do some analysis to get to this
 16 point, but your thought with what was happening in
 17 anyway, is that Stevenson would put stuff in the
 18 ceiling on the visitors' side and then inmates who
 19 clean that area would later retrieve it and distribute
 20 it to other inmates; is that right?
 21 **A** Yes.
 22 **Q** All right. Did you ever work with anybody

Page 143

1 else who ended up being indicted or ended up having any
 2 BGF-related issues?
 3 **A** Man, I forget the one officer's name.
 4 Caught me by shock. She was the one out on the
 5 overnight shift, but she would do overtime during my
 6 shift sometimes. I forgot her name. But she worked
 7 the 11 p.m. to 7 a.m. shift.
 8 **Q** Okay. And can you -- you don't remember her
 9 first or last name?
 10 **A** No. I really would have to see the
 11 indictments to remember her name. I forgot her name.
 12 **Q** All right. And she worked at JI,
 13 ordinarily 11:00 to 7:00, but then would do overtime on
 14 your shift; is that right?
 15 **A** Yes.
 16 **Q** Do you know whether or not -- you said you
 17 couldn't remember who was working the day that there
 18 was some complaints against Mr. Wallace. Do you know
 19 whether or not she was one of the people working that
 20 day?
 21 **A** No. I don't believe that she was. I'm not
 22 sure. I don't remember who was working there.

Page 144

1 **Q** You just don't remember one way or the
 2 other?
 3 **A** Right.
 4 **Q** It could have been her, it could have been
 5 anybody else?
 6 **A** It could have been.
 7 **Q** All right. And with respect to any kind of
 8 disciplinary issues, did you ever have any issues with
 9 an Erica Shird, do you know who that is?
 10 **A** I know Erica Shird. She worked -- she was
 11 assigned to MDC, and then she was transferred over to
 12 JI, and she was working over in the JI Building with me
 13 for a while.
 14 **Q** Okay. And have you ever had any concerns
 15 about her?
 16 **A** No. She seemed to be a pretty good
 17 officer. I never had any issues with her.
 18 **Q** Okay. And were the two of you friends?
 19 **A** No. I didn't -- I don't really have
 20 friends there. She was just a co-worker, associate.
 21 **Q** Okay. When was the last time you saw her?
 22 **A** 2016.

Page 145

1 **Q** Okay. And do you know if she's still
 2 employed by the State?
 3 **A** I believe so.
 4 **Q** All right. Do you know where she works
 5 now?
 6 **A** No.
 7 **Q** When was the last time you communicated
 8 with her?
 9 **A** 2016.
 10 **Q** Oh, all right. When was she transferred
 11 over to JI? What year?
 12 **A** It was right before -- I think it was the
 13 same year that I was transferred from JI.
 14 **Q** So 2015?
 15 **A** Yes.
 16 **MR. HANSEL:** All right. Ma'am, that's all
 17 I have for you.
 18 Your Counsel may have some questions,
 19 although I doubt it. Thank you, very much.
 20 **MS. MULLALLY:** We will read and sign.
 21 (The deposition was concluded at 5:27 p.m.)
 22

12-18-14

Off. Rene/Broadway A-Shift
Assumed the duties and responsibilities of Post JF Sec at approximately 1730. Equipment received and accounted for are, 2 T-units, 2 hand
caches, Equipment received and accounted for are, 1 Fire extinguisher, 1 CPR kit, 2 sets
2 Pair of handcuffs, 2 can of spray, 1 Fire extinguisher, 1 CPR kit, 2 sets
Keys. Correct section count is 94. Back count is 77 w/ 17 out
working in the kitchen. Post orders have been read and signed.

0130 Initial security round conducted all appear safe and secure.

0130 Security round conducted all appear safe and secure.

0130 Security round conducted all appear safe and secure.

0130 Security round conducted all appear safe and secure.

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12/18/14

Off. Hagen B-Shift

Off. Telap

Assumed the duties and responsibilities of JF 5015 dpm

at approximately 1530. The correct count is 92. Matheson

count is 99. The temperature is 63.1 and 32.1. All equipment

is accounted for. 2 units, 2 units, 2 units, 2 units, 2 units, 2 units

2 keys, 2 keys, 2 keys, 2 keys, 2 keys, 2 keys

2 keys, 2 keys, 2 keys, 2 keys, 2 keys, 2 keys

2 keys, 2 keys, 2 keys, 2 keys, 2 keys, 2 keys

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DIVISION OF PRISON SERVICES
TRANSFER OF HOUSING ASSIGNMENT

BCBIC ☐ BCDC ☐

DETAINEE NAME:

Arguand Wallace

ID#:

2993245

FROM (CURRENT LOCATION):

SECTION

BED #

MATTRESS #

REQUEST MADE BY:

Sgt. Pate
(Printed Staff Name & Title)

DATE:

12/18/14

TIME:

AM/PM

REASON FOR TRANSFER:

JOB REMOVAL ☐

COURT DISPOSITION ☐

☐ OTHER (Explain):

detainee extorting other
detainees for commissary + phone
privileges

☐ H-1

☐ H-2

☐ H-3

(Medical Staff Printed Name)

(Medical Staff Signature)

RECOMMENDED TYPE OF HOUSING:

PROTECTIVE CUSTODY ☐ SEGREGATION ☐ JUVENILE ☐ GENERAL POPULATION ☐

TOWER/BUILDING SUPV. SIGNATURE OF REVIEW:

SHIFT COMMANDER APPROVAL:

(Form VOID unless signed by Shift Commander or Operations Captain, when applicable)

TRAFFIC OFFICE HOUSING ASSIGNMENT:

TO (NEW LOCATION):

SECTION

BED #

MATTRESS #

DIETARY CLEAR DATE

AUTHORIZED:

(Traffic Office Signature)

HOUSING UNIT OFFICER VERIFICATION:

*OFFICER SIGNATURE:

(Signature verifies that detainee has been received and assigned to appropriate cell/bed as indicated above)

1. Form MUST be signed by medical staff for any Detainee transferred for Heat Stratification purposes
2. Completed form MUST be delivered to Traffic Officer prior to end of shift.

EXHIBIT

12

BETTY J. JOHNSON
WALLACE vs STATE OF MARYLAND

July 05, 2018
1-4

Page 1

1 IN THE CIRCUIT COURT FOR BALTIMORE CITY

2

3 NICOLE WALLACE, et al.,

4 Plaintiffs

5 CASE NO.:
6 24-C-17-6410

7 v.

8 STATE OF MARYLAND,

9 Defendant

10 * * * * *

11 BETTY J. JOHNSON

12 JULY 5, 2018

13 10:01 A.M.

14 2514 North Charles Street

15 Baltimore, Maryland

16

17

18 Reported By: Stephanie C. Bridges

19

20

21

22

23

24

25

Page 2

1 APPEARANCES OF COUNSEL

2

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25

Page 3

1 INDEX OF EXAMINATION

2

3 DEPONENT: BETTY J. JOHNSON

4

5 EXAMINATION PAGE

6 Ms. Sutherland 4

7

8 INDEX TO EXHIBITS

9

10 DEFENDANT DESCRIPTION PAGE

11 1 Transfer agreement (blank) 36

12 2 E-mails 57

13 3 Report 64

14 4 Transfer form (complete) 73

15 5 Log book notes 80

16 6 Information report 86

17

18

19

20 (Note: Exhibits attached hereto.)

21

22

23

24

25

Page 4

1 DEPOSITION OF BETTY J. JOHNSON

2 JULY 5, 2018

3

4 BETTY J. JOHNSON,

5 having being first duly sworn, testified as

6 follows:

7 EXAMINATION

8 BY MS. SUTHERELL:

9 Q Good morning, Ms. Johnson.

10 A Good morning.

11 Q We just met off the record but for the

12 record I'm Erienne Sutherland. I represent the

13 plaintiffs in this case, Daquan Wallace and his

14 mother Nicole Wallace.

15 Do you understand what you're here for

16 today?

17 A Yes.

18 Q Have you ever been deposed before?

19 A No.

20 Q So I'll go over some brief ground rules.

21 Everything that we're saying is being taken down

22 by our court reporter here today. So it's

23 important that only one person speaks at a time.

24 I'll wait until you've fully responded to my

25 question before I start giving you the next one.

Page 33

1 from within the facility. So was that the same at
2 BCDC as well?
3 A We had a traffic unit, I'm not sure. I
4 cannot remember if it required a signature or
5 approval from the major.
6 Q Tell me about the traffic unit. What
7 did that consist of, what were they responsible
8 for?
9 A Making sure we had a number of available
10 beds, assigning the inmates, I'm sorry, detainees'
11 beds in the housing units when they came in,
12 keeping the count.
13 Q They kind of kept count equal amongst
14 the different sections of the facility?
15 A With the detention center, it was based
16 on their bail and time, if they had already
17 received their time. So if they had a low bail,
18 they were kept in a certain area or eligible to go
19 to a certain unit. If they were H, the breathing
20 as far as heat and cool, they had to be in a
21 certain situation.
22 MS. MULLALLY: We stipulate that that's
23 called H1.
24 THE WITNESS: H1, yes, thank you.
25

Page 34

1 BY MS. SUTHERELL:
2 Q What section were the low bail detainees
3 kept in if you recall?
4 A JL.
5 Q What was considered low bail?
6 A I can't remember that number amount.
7 Q Was there some type of policy or
8 procedure or manual that dictated those numbers
9 for you?
10 A It was a policy.
11 Q Where were the detainees with higher
12 bails kept?
13 A I'm not sure of the section.
14 Q Again, that was probably in that policy,
15 the manual?
16 A Maybe.
17 Q We can come back later to that, if you
18 think of it. So the traffic unit that oversaw it
19 was the transfer of the detainees throughout the
20 facility. What about when a detainee was just
21 being moved from one section to another section.
22 What would be some of the reasons for a transfer
23 like that to happen?
24 A Security: They have been sentenced,
25 sometimes space.

Page 35

1 Q If they have been sentenced, what
2 section would they get moved to?
3 A I can only say that -- I don't know the
4 section. However, we would put them in a -- where
5 they're not in a dorm.
6 Q What about if a detainee was reported to
7 be trying to extort commissary or phone privileges
8 from fellow detainees would they get transferred
9 to a different section?
10 A We have segregation, lockup.
11 Q So in that situation, they would get put
12 in segregation lockup?
13 A If it was validated, yes.
14 Q Who determines whether or not it's
15 validated?
16 A The intel unit, maybe the major, the
17 supervisor, captain.
18 Q So can you walk me through that process,
19 like say, there's a report that there's an inmate
20 whose trying to extort other people for their
21 commissary and one of the correctional officers
22 receives that information from one of the
23 detainees. What's supposed to happen next?
24 A An investigation is conducted, there's a
25 hearing that's held and it's determined then

Page 36

1 whether or not if he or she will -- well, if
2 they're not on segregation, whether they're moved
3 there then and placed on it if found guilty.
4 Q Do they stay in their current housing
5 unit while that's happening?
6 A No.
7 Q So what would happen to them?
8 A They're moved to segregation.
9 Q So pending the investigation and the
10 hearing, they'd get moved into segregation?
11 A Yes.
12 Q Now, we mentioned the transfer form
13 before when I asked you if it was the same. You
14 had mentioned the traffic unit and you weren't
15 sure if it required the major's signature or not.
16 I have a blank form that I want you to take a look
17 at.
18 (Johnson Deposition Exhibit No. 1 marked
19 for identification.)
20 BY MS. SUTHERELL:
21 Q So we're looking at Exhibit 1, it's kind
22 of cut off at the top but it's the Division of
23 pre --
24 MS. MULLALLY: Pretrial Detention
25 Services.

Page 37

1 MS. SUTHERELL: There you go, thank you.
2 BY MS. SUTHERELL:
3 Q Transfer of housing assignment. So we
4 have this form here and I just want to walk you
5 through this form or have you walk me through this
6 form, tell me which sections would be required to
7 be filled out. So at the very top, it has two
8 checked boxes, does one of those have to get
9 checked?
10 A Yes.
11 Q And then the detainee name, would that
12 have to be filled in?
13 A Yes.
14 Q And the ID number?
15 A Yes.
16 Q First, I should have asked you are you
17 familiar with this form?
18 A I've seen this form, yes.
19 Q Have you overseen the facilitation of
20 this form, was this used in BCDC?
21 A Yes.
22 Q And this was something that the traffic
23 unit would have had to use?
24 A Yes.
25 Q So this is the appropriate form that had

Page 38

1 to be completed in its entirety or completed
2 properly in order for a detainee to be transferred
3 from one section to another; is that right?
4 A Yes.
5 Q We got the detainee name and the ID
6 number, and then from, section, bed number and
7 mattress would that get filled out?
8 A Yes.
9 Q And the request made by would that have
10 to be filled in?
11 A Yes.
12 Q And the date and time as well?
13 A Yes.
14 Q And the reason for transfer would that
15 always have to be filled in?
16 A Yes.
17 Q If it's other, is it required that they
18 give an explanation?
19 A I'm not sure.
20 Q And the next section, H1, H2, H3 we just
21 learned that H1 was that section, you know, with
22 their breathing, their health concerns. So would
23 that only get filled in if there were medical
24 concerns?
25 A If it was pertaining to H1, yes.

Page 39

1 Q So the next section recommended type of
2 housing. I should be asking who would be filling
3 this out?
4 A It can be filled out by the traffic
5 officer, it could be filled out by the traffic
6 officer or housing unit.
7 Q So recommended type of house, would that
8 have to be checked?
9 A Yes.
10 Q We see protective custody, segregation,
11 juvenile and then general population there. And
12 segregation you just mentioned that before,
13 protective custody when would that be used?
14 A If indeed the detainee asked to be, he
15 or she could asked to be put on protective custody
16 or an officer may have witnessed something and
17 recommend it.
18 Q And then the tower building supervisor
19 signature of review, who would have to sign that?
20 A Just the person in charge, each housing
21 unit had a supervisor to oversee the housing unit.
22 Q So it would require their signature?
23 A Yes.
24 Q And shift commander approval, who would
25 have to sign there? I mean, it sounds pretty self

Page 40

1 explanatory but...
2 A Right. If the highest ranking is a
3 captain, they can do it. If not the major, who is
4 the shift commander.
5 Q So it would have to be signed by the
6 shift commander?
7 A Yes.
8 Q And it does say underneath there form
9 void unless signed by shift commander or
10 operations captain when applicable. So the form
11 wasn't complete unless it had that signature on
12 it; is that right?
13 A Correct.
14 Q And the traffic office housing
15 assignment, who would fill that part in?
16 A The traffic office, whoever is working
17 the traffic office.
18 Q And they would have to complete the
19 section bed, mattress and if there was a dietary
20 would that get filled in?
21 A Yes.
22 Q And then those authorized, and it says
23 underneath there traffic officer signature, would
24 that have to be signed by the traffic officer?
25 A Yes.

<p>Page 41</p> <p>1 Q I know all this sounds very 2 self-explanatory. And then underneath that 3 housing unit officer verification, officer 4 signature, who signs there? 5 A The officer that actually moved, 6 completed the transfer. 7 Q So the officer who's receiving the 8 detainee in their section? 9 A No. I'm not sure of that. 10 Q But that would have to be signed as 11 well? 12 A Yes. 13 Q And what circumstances, so let's say 14 you're a receiving officer, you're a correctional 15 officer overseeing the section that's filled in 16 here, the To section. What is that individual 17 looking for when accepting this form and accepting 18 a detainee whose coming in from a form like this? 19 A Just to ensure that the bed is actually 20 emptied, that is has the mattress in it and to 21 make note if there is any type of dietary or other 22 issues that the detainee may have that needs to be 23 noted. 24 Q If the form isn't completed, like it's 25 missing the signature up above, what are they</p>	<p>Page 43</p> <p>1 detainees? 2 A I'm not sure. 3 Q What about the G section? 4 A I'm not sure. 5 Q Okay. So one of the things that you 6 said a major is responsible for is making sure 7 that the staff is making rounds, what do you mean 8 by that, can you explain what that is? 9 A Officers that work in a housing unit 10 make rounds, security rounds. Just before I left, 11 we had like a key. They would go to the end of 12 the pier so we would know that they were making 13 checks, security checks, rounds on the housing 14 unit. 15 Q How did that work? 16 A It was a key system. Whereas, they 17 would have to punch it. In order for you to -- 18 you had to stick the magnetic key inside of it 19 like a little -- it allowed the administration to 20 see what time and where this key was being used. 21 So the officer had it, so you had to walk, punch 22 it and come back. 23 Q Interesting. When did that take effect. 24 A It was in 2015, early part of 2015. I'm 25 not sure what month.</p>
<p>Page 42</p> <p>1 supposed to do? 2 A They're not to accept the inmate, 3 detainee. 4 Q If they're not accepting the inmate or 5 the detainee where does the detainee go, do they 6 send them back? 7 A Well, the only incident that I've had 8 with this and it may not have been signatures. 9 They call the shift commander to ensure that it is 10 completed because it is our track record. 11 Q So with that incident that you're 12 referring to, can you give me the details of what 13 happened? 14 A No. We had one inmate who was sentenced 15 and he was a worker. He had just received ten 16 years and they were going to move him. And so 17 until his move out of the facility, they wanted 18 to, they were requesting to keep him in the 19 housing unit that he was in and we just couldn't 20 do it. 21 Q That makes sense. So going back to the 22 different sections of the facility, there was a F 23 section; is that correct? 24 A Yes. 25 Q And do you recall was that the high ball</p>	<p>Page 44</p> <p>1 Q What was the expectation, how often were 2 they supposed to be making rounds? 3 A At least every half hour. 4 Q At least every 30 minutes? 5 A Yes. 6 Q So before this key system, how did you 7 keep track of that? 8 A Just log books. The officer was to log 9 in their log book when they made rounds. 10 Q They just hand wrote notes? 11 A Yes. 12 Q What was the expectation there, would 13 they make a round, write in the book, make a 14 round, write in the book? 15 A Yes. Report any issues or concerns at 16 that time. 17 Q It was expected that if they're working 18 one shift you would see a log for every 30 19 minutes? 20 A Yes. 21 Q What would happen if you didn't see a 22 log for every 30 minutes? 23 A Then the supervisor who made their 24 rounds would document it and if need be 25 progressive disciplinary action would take place.</p>

Page 69

1 in; is that right?

2 A Yes.

3 Q There's no other way in or out of the

4 cell without either the physical key to the cell

5 or hitting that lock box, right?

6 A Correct.

7 Q And only the correctional officer

8 manning that station at the time -- well, tell me

9 if this right. Would only the correctional

10 officer manning that unit at the time have that

11 physical key?

12 A Yes.

13 Q Was there a master key somewhere?

14 A Yes.

15 Q Who kept that?

16 A We have a lock box for emergency

17 purposes at BCDC. The emergency set is kept in

18 what's called the control center.

19 Q Who has access to the control center?

20 A The assigned post supervisor.

21 Q So a supervisor, what rank would that

22 supervisor be?

23 A Lieutenant or above.

24 Q So lieutenant or higher?

25 A Yes.

Page 70

1 Q Where is the control center in relation

2 to G-section?

3 A It's a distance from G-section, maybe a

4 -- it's a couple of feet not next to it.

5 Q The length of a football field?

6 A Not that far.

7 Q Okay.

8 A I don't know because I'm looking at two

9 sections and so I don't know.

10 Q So approximately how long would it take

11 you to walk from the control center to the

12 G-section?

13 A Maybe four or five minutes.

14 Q With that walk are there multiple

15 different avenues to get to G-section from the

16 control center or is there like one hallway that

17 you would use?

18 A To my knowledge, it's one hallway.

19 Q Would that be one of the major hallways

20 of the mass movement type hallways that would have

21 a security camera in it?

22 A Yes.

23 Q I want to go back a little bit to

24 something we were talking about before. The

25 majors were in charge for overseeing the rounds

Page 71

1 and making sure that someone was reporting every

2 30 minutes. So what about when someone has to

3 take a restroom break. If there's just one

4 correctional officer assigned to a unit and they

5 have to call in for assistance so they can go use

6 the facility, are they supposed to log that in the

7 book?

8 A Yes.

9 Q And then whoever comes in as their

10 relief is supposed to log it in the book?

11 A Yes.

12 Q And what would happen to a correctional

13 officer -- we briefly touched upon it but what

14 would happen reprimandwise if it turned out that

15 they were not accurately logging things in the

16 book?

17 A It's progressive disciplinary because

18 your log book is your legal documentation.

19 Q What other kind of things are supposed

20 to go in that log book?

21 A Whenever someone enters your housing

22 unit. If there are any concerns, you list the

23 climate, you list any security equipment you have,

24 of course the number of detainees in your section,

25 when they left for mass movement, whose out

Page 72

1 cleaning and things of that sort.

2 Q And are they also suppose to report who

3 stays back from mass movement?

4 A No.

5 Q What about if there's an incident during

6 mass movement are they supposed to have that

7 logged?

8 A Yes.

9 Q Are they supposed to note anything about

10 transfers?

11 A If someone's leaving their care?

12 Q Or coming into their care?

13 A Or coming on, yes.

14 Q Now, what if, we were talking about that

15 Exhibit 1 before, the transfer form. What if the

16 transfer form was used and it's missing the shift

17 commander approval, what would be the reprimand

18 received for that, would someone get in trouble

19 for doing an improper transfer?

20 A Yes.

21 Q Who would get in trouble?

22 A The person accepting, if they accepted

23 the detainee and the person who initiated the

24 transfer.

25 Q The person initiating would it be the

Page 73

1 request made by individual?
2 A Yes.
3 Q Now, in this system of hierarchy would a
4 lower level, let's say a lieutenant, would a
5 lieutenant fill this out on behalf of a major?
6 A Yes.
7 Q So the request made by could say a
8 lieutenant's name but perhaps it actually was
9 initiated by a major; is that possible?
10 A Yes. A major can request a transfer.
11 Q If they're requesting a transfer are
12 they the one that's supposed to actually fill this
13 form out or start the top part of the form?
14 A It's possible.
15 Q Would it be appropriate for them to have
16 someone lower ranked than them fill it out?
17 A Someone lower ranked can fill it out.
18 Q So that wouldn't be an infraction?
19 A Say it again?
20 Q That wouldn't be an infraction, that
21 wouldn't be anything wrong?
22 A No.
23 MS. SUTHERELL: Can you mark this as
24 Exhibit 4.
25 (Johnson Deposition Exhibit No. 4 marked

Page 74

1 for identification.)
2 BY MS. SUTHERELL:
3 Q So we're looking at what's been marked
4 as Exhibit 4, would you agree with me that this is
5 similar to Exhibit 1 except that it's just filled
6 in?
7 A Yes.
8 Q So this is the appropriate form to be
9 used for facilitating a transfer within the
10 facility; is that right?
11 A Yes.
12 Q I'm going to go down through it just
13 like we did the last one. So we've got the
14 detainee name there, the ID number, and we have
15 the from information and that's J, and that's bed
16 number 531. And as I understand it, is the J
17 section the low bail section?
18 A Yes.
19 Q The request is made by Sergeant Portee
20 and it's dated December 18th, 2014. The time is
21 left out so is that improper? Is that time
22 supposed to be filled in there?
23 A Yes.
24 Q The next section we do have the reason
25 for transfer explain: "detainee extorting other

Page 75

1 detainees for commissary and phone privilege."
2 Now, I want to stop here for just a moment. We
3 talked before about what would happen if that
4 exact situation was occurring and you said they
5 would get transferred to lockup while an
6 investigation was undertaken and then there would
7 be a hearing, and based upon the determination at
8 that hearing, they would either get transferred or
9 not. So that would be an improper reason again or
10 just a flat transfer; wouldn't it?
11 A Your question again, I'm sorry.
12 Q Sure. So this wouldn't be the
13 appropriate reason for just doing a straight
14 transfer; would it? That a detainee is extorting
15 other detainees for commissary. Because we talked
16 before about the proper process for that. And
17 that would be: it gets reported, they get
18 transferred to lockup -- not just switched to a
19 different section and then there would be a
20 hearing after an investigation, right?
21 A Yes.
22 Q So someone shouldn't be just getting
23 moved from the J-section to the G-section because
24 there's an allegation that they're extorting other
25 detainees for commissary, right?

Page 76

1 A Yes.
2 Q So the next section is the H section.
3 We talked about that before so that's not
4 necessary. We don't need that because it's a
5 little health thing. Recommended type of housing
6 nothing's checked there would that be considered
7 incomplete?
8 A Yes.
9 Q And then the tower building supervisor
10 signature, so that isn't someone from traffic,
11 right? We talked about that before. That's
12 someone from the actual building within the
13 section or that the section is within; is that
14 right?
15 A Yes.
16 Q And it looks like a lieutenant Patterson
17 perhaps?
18 A I know of a lieutenant Patterson.
19 Q You know the name but do you know the
20 signature?
21 A No.
22 Q Now, the next one, shift commander
23 approval so that's not signed. We talked about
24 that before that that has to be signed and the
25 form itself even says that it's void unless

Page 77

1 signed. So this again would be an improper
2 section of the form because it's incomplete
3 without that signature, right?
4 A Yes.
5 Q And then going down, you know what
6 actually let's -- the signature. So Lieutenant
7 Patterson you can kind of make out, Sergeant
8 Portee that's nice and clear, Lieutenant Patterson
9 is sort of clear. Are they trained, are they
10 supposed to be filling this out so that it is
11 legible so that people can understand who has
12 signed what?
13 A I don't know.
14 Q That's fair. So the next section,
15 Traffic Office Housing Assignment To: and we have
16 this filled out for section G, so he's getting
17 moved to a new section, bed number 35 so that's
18 okay. We don't have a mattress number but that's
19 not filled out above either; dietary clear date is
20 not filled in but we talked about that before.
21 It's not necessary. Authorized so this is a
22 traffic officer's signature and it just looks like
23 one huge scribble. Would that be an appropriate
24 signature on this form?
25 A It should be legible.

Page 78

1 Q Would you agree with me that that is not
2 legible?
3 A Yes.
4 Q And then we have the officer's signature
5 below and that's Rene and that's Jackens Rene and
6 that's legible so we have a series of mishaps here
7 according to what we talked about before. So Rene
8 should not have accepted this form without it
9 being signed by the shift commander, right?
10 A Correct.
11 Q And the traffic officer shouldn't have
12 transported the individual without that signature
13 above; isn't that correct?
14 A Correct.
15 Q So those individuals at a minimum have
16 violated policy with this transfer. What would
17 happen to them as a result of such violation?
18 A Depending on, like I said progressive
19 discipline and depending on the individual where
20 they stand as far as progressive disciplinary.
21 Q But they would receive some sort of
22 discipline?
23 A Yes.
24 Q Where does this form go after the
25 transfer takes place?

Page 79

1 A In the inmate's file.
2 Q In the inmate's file, okay. Were you
3 aware that this transfer took place on the date of
4 the incident with Daquan when he was so badly
5 beaten and assaulted?
6 A Not until after the fact.
7 Q How did you learn about it after the
8 fact?
9 A Just in getting the report itself.
10 Q The report that we went over?
11 A The report itself as far as the serious
12 incident report.
13 Q Here we go, security chief, Sonia P.
14 Young.
15 A Yes.
16 Q I know I saw it somewhere. That's Young
17 common spelling and Sonia, S-O-N-I-A. Have you
18 had an opportunity to review some of the log
19 books, did you ever take a look at log books, do
20 any type of auditing on whether or not
21 correctional officers were logging their rounds?
22 A Yes.
23 Q Did you frequently see the every 30
24 minute logs or was it more frequent to see that
25 maybe they were a little more sparse and weren't

Page 80

1 always logging the every 30 minute round?
2 A What I observed they were making their
3 rounds. They were documenting that they were
4 making their rounds.
5 MS. SUTHERELL: If we can mark this as
6 Number 5.
7 (Johnson Deposition Exhibit No. 5 marked
8 for identification.)
9 BY MS. SUTHERELL:
10 Q So we're looking at one of these log
11 books, does this look like the standard format you
12 would see for those log books for tracking rounds?
13 A Yes.
14 Q So at the top it says, we start at 10:11
15 and then we've got a note at 10:12, and then we
16 jump to 1300, then we jump -- well, it looks like
17 1300, then we jump to what looks like 12:20, and
18 then 1300, and then 1400, and then we jump from
19 1400 to 1530. Now we see started with officer
20 Rene. We've got a date there about halfway down
21 the page and now we see a more detailed account
22 where it says 1530, 1600, 1605, 1608, 1630, 1700,
23 1730, 1732, 1735, 1755, 1800, 1823, 1850, 1853,
24 1900, 1920, 1934, 1945, 1948, 1958, 2009, 2010,
25 2040, 2105, 2130, 2132, 2220, 2230, 2253. So we

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NICOLE WALLACE, *ET AL.*

Plaintiffs,

v.

MAYOR AND CITY COUNCIL OF
BALTIMORE CITY, *ET AL.*

Defendants.

Civil Case No.: 1:17-CV-03718 CCB

AFFIDAVIT OF JOSEPH BEATTY

COMES NOW the Affiant and hereby solemnly affirms under the penalties of perjury
and upon personal knowledge that the contents of the following paper are true:

1. My name is Joseph Beatty and I am over eighteen (18) years of age and
competent to testify.
2. I am currently detained at the Jessup Correctional Institution located at 7805
House of Correction Rd, Jessup, MD 20794.
3. In 2014 I was detained at BCDC in the C Section.

4. My cellmate, Daquan Wallace, was severely
attacked on the day that he was transferred to my
cell.

5. When Daquan was transferred to my cell, he was placed inside the cell with handcuffs still on.
6. When Daquan was placed in my cell, I was ordered by correctional officers to leave and go downstairs for dinner, to the day room first.
7. I went to the day room for approximately 5-10 minutes before we went to dinner.
8. When I returned from dinner, I found Daquan unresponsive on his bunk.
9. Daquan did not go to dinner. He was not in the dining area that evening.
10. None of Daquan's personal belongings had been moved into the cell.
11. I was in the chow hall for dinner for approximately 15 minutes.

12. When I returned from the chow hall, all the
lights in the C Section were off.

13. When I first returned to my cell from chow hall,
Daquan was shaking and grunting.

14. When I tried to get Daquan's attention, he did not
respond and appeared to be having a seizure, and there
was blood on the wall and blood + snot coming from his nose.

15. I notified correctional officers that Daquan was
not getting up - I notified them within minutes of returning
to my cell.

16. _____

17. _____

18. _____

Joseph Beatty, Jr.
Joseph Beatty, Jr.

11-09-18
Date

Department of Public Safety & Correctional Services
Internal Investigative Division

Criminal Investigation Report

3. Complaint Control Number

CIR 1 4 3 0 7 3 6 6

8. General Broadcast Date & Time

☐ YES ☒ NO N/A

2. Victim's Sex, Race, DOB M / B / 08-22-1994

5. Residence Phone N/A

7. Business Phone (410)209-4001

1. Victim's Name (Firm Name of Business) Last, First, Middle
Wallace, Daquan M
City
Address
Baltimore City Detention Center 401 East Eager Street Baltimore, MD 21202
City
8. Victim's employer or school Address
N/A

9. COMPLAINANT OTHER-VICTIM-WITNESS-PARENT V=VICTIM (Other than in Item #1 Above); C=COMPLAINANT; P=PARENT/GUARDIAN

9. Name (Last, First, Middle) Moore, Karen (Major) Code C Sex-Race-DOB N/A Residence Phone None Business Phone (410)209-4309
Residence Address City
Baltimore City Detention Center 401 East Eager Street Baltimore, MD 21202

10. Name (Last, First, Middle) N/A Code N/A Sex-Race-DOB N/A Residence Phone N/A Business Phone N/A
Residence Address City
N/A

11. Crime Assault 12. Weather N/A 13. Date & Time Occurred 12/18/2014 @ 19:32 hours 14. Day Thursday 15. Date & Time Reported 12/18/2014

16. Location of Crime (Address) Baltimore City Detention Center 401 East Eager Street Baltimore, MD 21202 (BCDC)

17. Location of Offense or Type of Premise Correctional Facility Co. No. 18. Sector No.

19. WAS THERE A WITNESS TO THE CRIME? ☐ NO ☒ YES

20. No. 1 Witness or Neighborhood Check (Last, First, Middle) N/A Sex-Race-DOB N/A Residence Phone N/A ☐ INTERVIEWED

Location/Address N/A Business Phone N/A ☐ STATEMENT TAKEN

No. 2 Witness or Neighborhood Check (Last, First, Middle) N/A Sex-Race-DOB N/A Residence Phone N/A ☐ INTERVIEWED

Location/Address N/A Business Phone N/A ☐ STATEMENT TAKEN

21. SUSPECT ☐ NAMED ☐ KNOWN ☐ IDENTIFIED ☐ PREVIOUSLY SEEN ☐ DESCRIPTION ☐ NO ☐ YES

22. No. 1 Name (Last, First, Middle) N/A Alias N/A Sex-Race-DOB N/A Height N/A Weight N/A Hair N/A Eyes N/A

Location Address N/A Occupation Employer N/A BI #

No. 2 Name (Last, First, Middle) N/A Alias N/A Sex-Race-DOB N/A Height N/A Weight N/A Hair N/A Eyes N/A

Location Address N/A Occupation Employer N/A BI #

23. SUSPECT VEHICLE ☐ STOLEN ☐ RECOVERED ☐ OTHER ☒ NO ☐ YES

24. Vehicle Info Color N/A Year N/A Make N/A Model N/A Body Style N/A Reg. Year N/A Reg. State N/A Reg. No. N/A Vin # N/A

25. ☐ SIGNIFICANT M.O., OR ☐ LIMITED OPPORTUNITY TO COMMIT THE CRIME? ☒ NO ☐ YES

26. Mode of Operation Inmate Wallace was found in his bed Unresponsive.

27. ☐ Scene Processing ☒ N/A Explain ☐ Photo ☐ Fingerprinting ☐ Other Crime Lab ☐ Yes ☒ No Crime Lab Tech:

28. WAS THERE ☐ TRACEABLE PROPERTY ☒ PHYSICAL EVIDENCE ☐ NO ☒ YES

31. Property Insured, By Whom? N/A 30. Instrument, Force, Weapon N/A Handgun Used? ☒ NO ☐ YES

31. Property Stolen/Damaged - Item No. 1 N/A Identification No. N/A

Value N/A

31. Property Stolen/Damaged - Item No. 2 N/A Identification No. N/A

Value N/A

32. If Property Recovered Was Owner Notified? ☐ YES ☐ NO 33. How Notified (If by Mails - Give Message No., File, Originating Station & Date) N/A 34. Total Loss Value N/A

35. Vehicle from Which Theft Occurred Make N/A Reg. No. N/A State N/A Year N/A STOLEN VEHICLE AND UNAUTHORIZED USE ONLY, COMPLETE ITEM 36-43. 36. Vehicle Identification No. N/A

Registration No. N/A State N/A Year N/A 38. Vehicle Year-Make-Body-Model-Color(s) N/A 39. Ignition Locked? ☐ Yes ☐ No 40. Keys in Ignition? ☐ Yes ☐ No

41. Lienholder (Name-Address-Name of Agent) N/A 42. Doors Locked? ☐ Yes ☐ No 43. Windows Closed? ☐ Yes ☐ No

44. IS THERE SOMETHING UNIQUE ABOUT THIS CRIME? ☒ NO ☐ YES

NARRATIVE: USE CONTINUATION SHEET FOR NARRATIVE. DETAIL ALL ADDITIONAL INFORMATION TO THE INVESTIGATION.

EXHIBIT
15

Internal Investigative Division

1. COMPLAINT CONTROL NO.

Supplemental Report

CIR

14-35-001366 I/C

VICTIM, COMPLAINANT, MISSING PERSON OR ARRESTEE (LAST, FIRST, MIDDLE)

Wallace, Daquan

INCIDENT, OFFENSE OR CHARGE ON ORIGINAL REPORT

2nd Degree Assault

CORRECT INCIDENT OR OFFENSE CLASS CHANGED?

☐ Yes

SECONDARY OFFENSE

N/A

65. RELATED REPORT NUMBERS

N/A

SUBJECT OF INVESTIGATION:

MD CR 3-203- 2nd Degree Assault

This is the investigation into the assault of Detainee Daquan Wallace by an unknown assailant.

LIST OF EXHIBITS:

1. OCMS Photograph of Detainee Daquan Wallace (SID #2993245)
2. OCMS Photograph of Detainee Joseph Beatty (SID #4152018)
3. Photograph of Detainee Wallace taken on December 18th 2015 by Detective Dominic Bonvegna
4. Chain of Custody and Photograph's of Detainee Wallace's Clothing
5. Photographs of G-Section Cell #35 (Where Detainee Wallace was found unresponsive)
6. Serious Incident Report #14-397
7. Matter of Record written by COII Rene Jackens
8. OCMS Photograph of Detainee Rodney Tatum (SID #3497586).
9. Photograph of Detainee Wallace taken on December 19th 2014 by Detective Dominic Bonvegna
10. Chain of Custody for evidence collected from Cell #3, #4, #47, and #48
11. OCMS Photograph of Detainee Harris Bilal (SID #2451950)
12. Letter Detainee Harris Bilal (SID#2451950) wrote to Lieutenant Derek Holmes
13. OCMS Photograph of Detainee Jermaine Mitchell (SID # 3184161)
14. OCMS Photograph of Detainee Tony Clifton (SID #3074816)
15. OCMS Photograph of Detainee Brandon Miller (SID #3260154)
16. OCMS Photograph of Detainee Terrell Fields (SID #2927150)
17. Chain or Custody for CD of telephone calls
18. Anonymous letter about the incident.
19. OCMS Photograph of Detainee Kenneth Faison (SID #3180142)
20. E-Mail from Warden Betty Johnson
21. OCMS Photograph of Detainee Brandon Brown (SID #3105754)
22. OCMS Photograph of Detainee Dominic Evans (SID #3066064)
23. OCMS Photograph of Detainee Derron Johnson (SID #1864139)
24. OCMS Photograph of Detainee Louis Dukes (SID #288986)

45. Crime Prevention Action
Initiated? ☐ Yes ☒ No46. Previous Crime Prevention
Survey ☐ Yes ☒ No47. Date Supplemental
Report Due

N/A

48. Initial Status recommended by reporting officer
☐ Open ☐ Suspended ☐ Unfounded ☒ Closed49. Initial Investigator
Detective Dominic BonvegnaI.D. Number
202450. Date
4/7/1651. Supervisor Status
☒ Agree ☐ Disagree52. Investigation to be continued by
☐ Patrol ☐ Investigation ☒ N/A53. Reviewing Supervisor
D/Lt. Scott PetersonI.D. Number
0409

54. Date

01-24-17

55. Investigation Supervisor Status

☐ Patrol ☐ Investigative ☒ N/A

56. Investigation Supervisor

By Captain Bobbie Jo Pockler

I.D. Number

2011

57. Date

1/26/17

58. Assigned
Investigator

59. Date

60. ☐ NCIC Entered ☐ NCIC Cleared☐ Miles Entered ☐ Miles Cleared

60. Final Status (check one)

☐ Open
☐ Suspended ☒ Closed62. Classification
(Office Use)

4D

63. UCR
Disp.

CE

Page
2 Of 9

NARRATIVE

LIST OF EXHIBITS (CONTINUED):

25. Photo-Array # 1 containing the photograph of Detainee Dominic Evans and Detainee Louis' initials he used to identify him
26. Photo-Array # 2 containing the photograph of Detainee Derron Johnson and Detainee Louis' initials he used to identify him
27. Photo-Array # 3 containing the photograph of Detainee Brandon Brown and Detainee Louis' initials he used to identify him
28. Photo-Array # 4 containing the photograph of Detainee Dean Reese and Detainee Louis' initials he used to identify him
29. OCMS Photograph of Detainee Dean Reese (SID#2661562)
30. Advice of Miranda Rights signed by Detainee Dean Reese

ACTION TAKEN:

On December 18th 2014, at approximately 20:31 hours, Major Karen Moore of the Baltimore City Detention Center (BCDC), contacted the Internal Investigative Division's (IID) duty officer to report an assault. Major Moore went on to state that at approximately 19:32 hours, Detainee Daquan Wallace (SID#2993245) was found unresponsive in his cell with a severe head injury. He was found by his cellmate Detainee Joseph Beatty (SID#4152018). According to Major Moore, Detainee Beatty went to dinner and upon his return he found Detainee Wallace unresponsive and immediately notified Sergeant George Almiroudis of the situation. Detainee Wallace was taken to the medical unit and was transported to Johns Hopkins Hospital via ambulance (EXHIBITS #1 and #2). Major Moore advised that the incident was not captured on security cameras.

Detective Sergeant Junior Nwanja and I were dispatched to Johns Hopkins Hospital to begin the investigation. We arrived at Johns Hopkins Hospital at approximately 21:45 hours, and responded to the Surgical Intensive Care unit Room # 48. There we met with Correctional Officers (COII) Hodaine Dyer, who rode with Detainee Wallace in the ambulance and (COII) Stephen Pearson both of which stated that Detainee Wallace was unconscious the whole time and had not made any comments. I then talked to Dr. Fermin Fontana who stated that Detainee Wallace's condition was critical and that he suffered an orbital fracture to his left eye, and had severe swelling to his brain. Dr. Fontana advised that Detainee Wallace was scheduled for an MRI on December 19th, 2014. Photographs of Detainee Wallace were taken. We also took custody of Detainee Wallace's clothing. The clothing was taken back to the IID office in Savage, photographed and placed in evidence with a chain of custody (EXHIBITS #3 and #4).

On December 18th 2014, at approximately 22:15 hours, Detective Sergeant Nwanja and I responded to BCDC where we met with Major Moore. We responded to the J-unit and took photographs of Detainee Wallace's cell. Major Moore also gave us copies of Serious Incident Report (SIR) #14-397 and a Matter of Record (MOR) from COII Rene Jackens. I learned the following from SIR #14-397: On December 18th 2014 at approximately 19:32 hours, a medical assistance was placed over the J unit for Post # 56 G-section. Staff responded to the area and found Detainee Wallace unresponsive in his cell. Major Moore ordered her staff to assist in escorting Detainee Wallace to the medical unit where he was evaluated by Physicians Assistant (PA) Aiualem Seyoum. Detainee Wallace was found to have trauma to the right side of his head, his bottom lip, and the back of his head contained sections of blood. PA Seyoum determined that he needed to be sent to an outside area hospital for treatment because he never gained consciousness while being treated. Medic #44 arrived at the facility at approximately 20:06 hours and transported Detainee Wallace to Johns Hopkins Hospital (EXHIBITS #5 and #6).

NARRATIVE

ACTION TAKEN (CONTINUED):

From COII Jackens's MOR I learned the following: On December 18th 2014 COII Jackens was assigned to G-section. At approximately 19:58 hours the East top and bottom and West top cells went to the dining hall except for cell # 03, #47 and #48. Feed up started at approximately 19:20 hours and returned to the section at approximately 19:45 hours. COII Jackens states that he went to all unsecured cells and secured them and that Detainee Wallace went to the dining hall. At approximately 19:58 hours, after all detainees were locked in, medical assistance was called for Detainee Wallace (**EXHIBIT #7**).

On December 18th 2014, Detective Sergeant Nwanja and I conducted an interview with COII Jackens. During the interview he was able to confirm the facts of his MOR. When asked if Detainee Wallace went to feed up, COII Jackens stated that he checked and secured all empty cells and that Detainee Wallace was not in his cell and had gone to feed up. When I explained the severity of Detainee Wallace's injuries, COII Jackens again stated that Detainee Wallace was not in his cell during feed up.

On December 18th 2014, Detective Sergeant Nwanja and I conducted an interview with Detainee Wallace's cell mate Detainee Joseph Beatty SID#4152018. During the interview Detainee Beatty stated that he did not know what happened to Detainee Wallace. Detainee Beatty stated that when he went to feed up, Detainee Wallace was in his bed and he thought he was sleeping. When he returned from feed up he stated that Detainee Wallace was still in his bed and when he moved him to wake him up that is when he noticed that he was unconscious. Detainee Beatty stated that is when he got a CO's attention to get him medical help. Detainee Beatty stated that he did not know how Detainee Wallace became unconscious and he stated that he did not know who assaulted him.

On December 18th 2014, Detective Sergeant Nwanja and I conducted an interview with Detainee Rodney Tatum (SID # 3497586). Detainee Tatum was assaulted 5-10 minutes prior to the medical code being called for Detainee Wallace. Detainee Tatum could not identify his attackers and indicated an unwillingness to pursue criminal charges in his case; therefore, his incident was not investigated by IID. Furthermore, he stated he had no information regarding Detainee Wallace or him being assaulted. Detainee Tatum was interviewed because at the time it was thought that his assault was related to Detainee Wallace's assault but we were able to determine that the incidents were separate (**EXHIBIT # 8**).

On December 19th 2014, I responded to Johns Hopkins Hospital to conduct a welfare check on Detainee Wallace. I spoke with Doctor Fermin Fontan who stated that Detainee Wallace had Hypoxic injuries, which is caused by lack of oxygen to the brain. He stated that Detainee Wallace had some major swelling on his brain and that he had suffered some brain damage. He advised that there was swelling to his left orbital area and he had scratches on his chest. Doctor Fontan also advised that Detainee Wallace would be going for an MRI. While at the hospital I spoke with Detainee Wallace's mother Ms. Nicole Wallace, I advised her that if she had any information regarding the assault on her son to contact me. Later that evening I spoke with Doctor Jed Wolpaw about Detainee Wallace. He stated that the MRI concluded that Detainee Wallace had suffered a diffuse axonal injury which is caused by a major impact to the head. Doctor Wolpaw stated that there is a slight chance that Detainee Wallace would recover. I took photographs to document Detainee Wallace's injuries. (**EXHIBIT #9**)

On December 19th 2014, Detective Rodney Allen conducted searches in Cell's # 3 (Jermaine Mitchell (SID #3180142)), #4 (Tony Clifton SID#3074816), #47 (Brandon Miller (SID #3260154)) and #48 (Terrell Fields

NARRATIVE

ACTION TAKEN (CONTINUED):

(SID #2927150)). I advised Detective Allen to collect letters, paperwork, and any evidence that he thought could be related to this incident. Some bloody clothing was recovered from Cell #47/48. At a later date I examined all the evidence recovered but I was unable to find any evidence related to the assault on Detainee Wallace (**EXHIBIT #10**).

On December 19th 2014, Detective Sergeant Nwanja and I conducted an interview with COII Michael Scipio, who was a responding officer. COII Scipio stated that when he responded, Detainee Wallace was unconscious and he helped transport him to the Medical unit. He had no knowledge of who assaulted Detainee Wallace.

On December 19th 2014, Detective Sergeant Nwanja and I conducted an interview with Detainee Harris Bilal (SID#2451950). He was interviewed after he gave a note to a BCDC Lieutenant Derek Holmes, that stated that he had some information pertaining to the assault on Detainee Wallace. During the interview Detainee Bilal stated that Detainee Wallace was assaulted by Black Guerrilla Family (BGF) gang members. He stated that "Meatball and Black," (Detainee Bilal did not know the Detainee's real names), "were leaders of the BGF and they, with the help of their guys attacked Detainee Wallace." We showed Detainee Bilal pictures of the people incarcerated on G-section the day of the incident, he was able to point out Detainee Dean Reese (SID#2661562) as "Black" and Detainee Kenneth Faison (SID# 3180142) as "Meatball" When asked about the reason why Detainee Wallace was assaulted, Detainee Bilal stated that he wasn't sure, but he thought it was because Detainee Wallace stole something from or spit on someone who was a BGF member. Detainee Bilal also stated that the incident happened after they left for feed up. Detainee Bilal was transferred to WDC that night for his safety. On December 21st 2014, Detainee Bilal was transferred to the Pennsylvania Division of Corrections to answer for a crime he committed in Pennsylvania (**EXHIBIT #11 and #12**).

On December 23rd 2014, Detective Sergeant Nwanja and I re-interviewed Detainee Joseph and Detainee Tatum, however no new information was obtained.

I continually conducted condition checks on Detainee Wallace to see how he was progressing. On January 2nd 2015 Detainee Wallace was moved to Bon Secours Hospital. I visited Detainee Wallace on January 8th 2015 and learned that his condition had not improved and that he was still unresponsive.

On January 9th 2015, Detective Sergeant Nwanja and I conducted interviews with the detainees from cells #03 Detainee Jermaine Mitchell, #04 Detainee Tony Clifton, #47 Brandon Miller, and #48 Terrell Fields. All of the Detainees stated that they did not know anything about the incident and all stated they did not know who assaulted Detainee Wallace (**EXHIBITS #13, #14, 15, and #16**).

I asked the intelligence office to record all the facility telephone calls made by Detainee Beatty, Detainee Mitchell, Detainee Clifton, Detainee Miller, Detainee Fields Detainee Faison, and Detainee Reese on and for several days after that day of the assault. The assault on Detainee Wallace was mentioned briefly in a few of the telephone calls, but there was no mention of who actually assaulted him or where the assault occurred (**EXHIBIT #17**).

On January 16th 2015, Detective Sergeant Nwanja gave me a letter given to him by Lieutenant Charnel Hines. The letter stated it was written by an anonymous person. The letter names Detainee Dean Reese (SID#2661562) and Detainee Ronald Seawright (SID#2429357) as potential attackers. I contacted Lieutenant Hines and asked

NARRATIVE

ACTION TAKEN (CONTINUED):

her how she received the letter. Lieutenant Hines stated that the letter was found in a suggestion box in the prison. She stated that she did not know who had written the letter. I was able to discover that Detainee Reese also goes by the name "Black"; he was also released on December 31st 2015. I learned that Detainee Seawright had been released on January 15th 2015. (EXHIBIT #18)

On February 3rd 2015, I responded to Bon Secours Hospital to conduct a welfare check on Detainee Wallace. I learned that Detainee Wallace was issued a compassionate release on January 23rd 2015, and was moved to the main hospital wing. Upon speaking with Ms. Wallace I learned that Detainee Wallace's condition had not changed. He was still unresponsive and was not able to speak.

On February 26th 2015, Detective Sergeant Nwanja and I responded to BCDC to conduct an interview with Detainee Kenneth Faison (SID# 3180142). When asked if he knew of the incident, Detainee Faison stated that he knew someone got beat up, but that he did not know who it was. When asked if he knew who assaulted Detainee Wallace he stated that he did not know. We advised him that someone had named him as one of the attackers on Detainee Wallace and he stated that he had nothing to do with the assault and knew nothing about it. We did not ask Detainee Faison any further questions because he refused to sign the advisement of Miranda Rights form (EXHIBIT #19).

On April 28th 2015, I received an e-mail from BCDC Warden Betty Johnson. The e-mail stated that a former inmate approached her on the street and asked "if they ever found out who killed the young boy on G-Section in December". The former detainee refused to give his name but stated that "the boys Flatline, Meatball and D-Nice beat him up and put him back in his bed". Warden Johnson had the intelligence unit for BCDC check the names "MeatBall", "Flatline", and "D-Nice" with their computer system. The name "Meatball" came back to Detainee Brandon Brown (SID# 3105754), the name "Flatline" came back to Detainee Dominic Evans (SID#3066064), and the name "D-Nice" came back to Detainee Derron Johnson (SID#1864139). I did a check of the names on the tier roster and found that all three Detainees were house on the G-section Tier on December 17th 2014 (EXHIBITS #20, #21, #22, and #23).

On May 10th 2015, I spoke with Ms. Wallace who stated that Detainee Wallace's condition had not changed; He was still unresponsive and was not able to speak. This was the last time I had contact with Ms. Wallace. I've attempted to contact her several times after this but the telephone number I have for her no longer works.

On May 13th 2015, I met with BCDC Warden Betty Johnson. She stated that she did not know who the detainee was that stopped her in the parking lot, but she would recognize his photograph. I showed her photographs of the detainees held on the G-section Tier on December 17th 2014 and she was able to identify Detainee Louis Dukes (SID#288986) as the person that stopped her and gave her the names of the inmates (EXHIBIT #24).

On May 13th 2015, I checked OCMS and found that Inmate Dukes was on parole. I contacted his parole agent Ms. Erica Mcleod. She stated that Inmate Dukes was in violation of his parole and she was getting a warrant for him. I advised her to contact me when Inmate Dukes was in custody.

On August 23rd 2015, I received a call from parole agent Ms. Mcleod who advised that Inmate Dukes was again incarcerated and was at Baltimore Central Booking & Intake Center (BCBIC).

NARRATIVE

ACTION TAKEN (CONTINUED):

On August 24th 2015, I responded to BCBIC to interview Detainee Dukes (I learned that he was going by the name Llyod Noonan). Detainee Dukes stated that he was the person who stopped Warden Johnson and advised her of the names of the people who assaulted Detainee Wallace. Detainee Dukes again gave the names "Meatball", "Flatline", and "D-Nice" as the ones he saw assaulting Detainee Wallace. Detainee Dukes was transferred to Maryland Reception, Diagnostic and Classification Center (MRDCC) for his safety.

On November 16th 2015, Detective Sergeant Nwanja and I responded to MRDCC to conduct an interview with Detainee Dukes. Detainee Dukes stated that on December 18th 2014 he was coming back from feed up and he saw Meatball, Flatline and D-Nice beating up Detainee Wallace. He stated that Detainee Wallace was beat up because of a phone issue. When asked if he knew the real name of Meatball, Flatline, and D-Nice, he stated that Meatball's name was Brandon Brown, Flatline's name was Dominic Evans, and D-Nice's real name is Derron Johnson. Detainee Dukes stated that Detainee Dean Reese was involved with the incident as well. When asked if he would be willing to testify to these facts he stated yes.

On March 29th 2016, I made four (4) separate photo-array's containing the photographs of Detainee Dominic Evans, Detainee Derron Johnson, Detainee Brandon Brown, and Detainee Dean Reese. At approximately 14:45 hours, I responded to Jessup Correctional Institution (JCI) to conduct an interview with Detainee Dukes. During the interview Detainee Dukes stated that he would be able to pick out the inmates he saw assault Detainee Wallace. From photo-array #1 Detainee Dukes was able to identify Detainee Evans and marked his photograph with his initials. From photo-array #2 Detainee Dukes was able to identify Detainee Johnson and marked his photograph with his initials. From photo-array #3 Detainee Dukes was able to identify Detainee Brown and marked his photograph with his initials. From photo-array #4 Detainee Dukes was able to identify Detainee Reese and marked his photograph with his initials. Detainee Dukes also advised that he would be willing to provide me with an audio recoded interview about the incident but would like his lawyer present when doing so. He provided me with his lawyer's name Mr. Todd Opinhime. The interview was concluded at approximately 15:30 hours (**EXHIBITS #25, #26, #27, and #28**).

On March 28th 2016, I discovered that Detainee Dean Reese (SID#2661562) (who was named in the anonymous letter and by Detainee Bilal as being involved) was re-incarcerated at Maryland Correctional Training Center (MCTC). On March 30th 2016, at approximately 13:15 hours, I responded to MCTC and conducted an interview with Detainee Reese. Before the interview I advised Detainee Reese of his Miranda Rights and had him sign a copy of those rights. Detainee Reese advised that he wanted to waive those rights and agreed to the interview. When asked if he was incarcerated in December of 2014 he advised, "Yes: and stated he was incarcerated at BCDC then on G-section. I asked if any assaults occurred on that tier and he advised "Yes, a lot". I then showed him a photograph of Detainee Wallace and asked if he recognized him, Detainee Reese advised he did. I then asked what happened to him and Detainee Reese advised that Detainee Wallace was only on the tier for approximately twenty (20) minutes or so. He stated that he was brought on the tier by five (5) officers and looked like he was already fighting because he was handcuffed. Detainee Reese advised that Detainee Wallace was placed in his cell and did not go to the chow hall for dinner. Detainee Reese stated, after they returned from chow a few minutes later officers responded to his cell and a medical unit was called. I asked Detainee Reese if he knew who assaulted Detainee Wallace and he stated that he did not. When asked if he was affiliated with a gang, he stated "Yes" and advised that he was a Black Guerilla Family (BGF) member. I then advised him that I

NARRATIVE

ACTION TAKEN (CONTINUED):

had a piece of evidence that implicated him as one of the assailants or that he possible gave the order to have Detainee Wallace assaulted. Detainee Reese advised that he had nothing to do with the assault and never gave any order to have someone assaulted. When asked if he was a high ranking member of the BGF on that tier. He stated no that he just kept to himself. I then showed Detainee Reese photographs of Detainee Dominic Evans, Detainee Derron Johnson and Detainee Brandon Brown and asked if he knew any of the Detainees. He stated that he didn't know Detainee Evans or Detainee Johnson but did remember Detainee Brown. When asked if he knew if any of these detainees were involved in assaulting Detainee Wallace and he stated he didn't know. The interview concluded at approximately 14:10 hours (**EXHIBITS #29 and #30**).

No further action was taken.

SUMMARY:

On 12/18/2014, at approximately 20:31 hours, Major Karen Moore of BCDC, contacted the IID duty officer to report that at approximately 19:32 hours, Detainee Daquan Wallace (SID#2993245) was found unresponsive in his cell his cellmate Detainee Joseph Beatty (SID#4152018).

During my investigation, I responded to Johns Hopkins Hospital several times and conducted several condition checks on Detainee Wallace. The final diagnosis was given to me by Doctor Jed Wolpaw, who stated that the MRI concluded that Detainee Wallace had suffered a diffuse axonal injury, which is caused by a major impact to the head. Detainee Wallace was issued a compassionate release from custody,

During my investigation, I conducted an interview with Detainee Wallace's cell mate Detainee Joseph Beatty, who stated that he found Detainee Wallace unconscious after returning from feed-up. Upon finding him in that condition, he advised the guard and the guard called for the medical unit. Detainee Beatty stated that Detainee Wallace did not go to feed-up that day and was asleep in his bunk.

During my investigation, I conducted interviews with correctional staff who stated that Detainee Wallace was not in his cell during feed up. Upon returning the inmates to their cells after feed, another inmate was assaulted and that it was brought to the staff's attention the Detainee Wallace needed medical attention.

During my investigation, I conducted an interview with Detainee Harris Bilal. He stated that BGF gang members assaulted Detainee Wallace. Detainee Bilal was able to provide me with the names of "Meatball and Black" as the possible assailants. We showed Detainee Bilal pictures of the people incarcerated on G-section the day of the incident, and he identified Detainee Dean Reese as "Black" and Detainee Kenneth Faison as "Meatball". Detainee Bilal stated he thought Detainee Wallace was assaulted because he stole something from or spit on someone who was a BGF member. Detainee Bilal also stated that the incident happened after they left for feed up. December 21st 2014, Detainee Bilal was transferred to the Pennsylvania Division of Corrections to answer for a crime he committed in Pennsylvania.

During my investigation, I went through evidence collected from the cells of the detainees who did not go to feed up on the day of the incident, but no evidence was found pertaining to the assault on Detainee Wallace. I also listened to several telephone calls made by the inmates who were assigned to that tier; again no evidence was found pertaining to the assault on Detainee Wallace.

NARRATIVE

SUMMARY (CONTINUED):

During my investigation, I learned that Detainee Louis Dukes had provided Warden Betty Johnson with information pertaining to the assault on Detainee Wallace. I made contact with Detainee Dukes who stated that he witnessed Meatball, Flatline and D-Nice beat up Detainee Wallace. He stated that Detainee Wallace was beat up because of a phone issue. When asked if he knew the real name of Meatball, Flatline, and D-Nice, he stated that Meatball's name was Brandon Brown, Flatline's name was Dominic Evans, and D-Nice's real name is Derron Johnson. When asked if he would be willing to testify to these facts he stated yes. I made a separate photo arrays containing the photographs of Detainee Brandon Brown, Detainee Dominic Evans, Detainee Derron Johnson, and Detainee Dean Reese and asked Detainee Dukes if he could identify the detainee's involved in the incident. Detainee Dukes was able to positively identify Detainee Brown, Detainee Evans, Detainee Johnson and Detainee Reese from the photo arrays.

Based on the fact that only one witness has come forward and is willing to testify, and the length of time it has been since the incident, I request that this case be referred to the Baltimore City's States Attorney's Office for review.

Detective Dominic Bonvegna
Hours: (160)

Bonvegna, Dominic

From: Allen, Rodney D.
ent: Tuesday, December 23, 2014 10:23 AM
To: Bonvegna, Dominic
Cc: Morrow, Daniel L.
Subject: Case# 14-35-1366 Cell Searches G Section

On 12/19/2014, Cell #s 3/4 and 47/48 were searched in reference to Case# 14-35-1366 involving the victim Daquan Wallace. The below listed property was seized:

Cell 3/4: On 12/19/2014 at 1445, the top bunk which belonged to inmate Jermaine Mitchell #3184161 was searched. Various types of paperwork were seized including letters, a MD Division of Corrections photo ID with the name Jermaine Mitchell and phone numbers which were found underneath the top bunk's mattress.

On 12/19/2014 at 1445, the bottom bunk which belonged to inmate Tony Clifton #3074816 was searched. Various types of paperwork were seized including letters, phone numbers and a MD Division of Corrections Photo ID with the name Tony Clifton which were found underneath the bottom bunk's mattress.

Cell 47/48: On 12/19/2014 at 1545, the top bunk which belonged to inmate Brandon Miller #3260154 was searched. In plain view, a white t-shirt was on top of the mattress. After further inspection Detective Allen discovered that that t-shirt contained what appeared to be blood stains on the front of the shirt. The t-shirt was seized as possible evidence. Various types of paperwork were seized including letters, phone numbers and a MD Division of Corrections ID with name Brandon Miller which were found underneath the top bunk's mattress.

On 12/19/2014 at 1545, the bottom bunk which belonged to inmate Terrell Fields #2927150 was searched. Various types of paperwork were seized including letters, gang related material, phone numbers, pictures and a MD Division of Corrections ID with the name Terrell Fields. Inmate fields advised before leaving the cell that a bag of clothes which laid beside the bottom bunk belonged to him and that he had just washed his clothes. While searching the bag Detective Allen discovered that two articles of clothing in the bag weren't wet while all the other clothing were completely saturated. After further inspection of the dry clothing it was discovered that one orange shirt contained blood stains on the front and back. Also there was a pair of blue jeans that also had bloodstains on the front pants legs. All items were seized.

Trash Can G-section Top Tier East: On 12/19/2014 at 1545, the trash can was searched. Inside the trash can was various types of paperwork including letters, pictures and phone numbers belonging to the victim Daquan Wallace.

Floor G-Section Top Tier West: On 12/19/2014 at 1545, Detective Allen discovered a white sheet lying on the floor. Further investigation discovered that the white sheet contained blood stains. The sheet was seized as possible evidence.

Detective Rodney Allen
DPSCS-IID



1 THE CIRCUIT COURT FOR
2 BALTIMORE CITY, MARYLAND
3

4 -----X

5 DAQUAN M. WALLACE, et al., *

6 Plaintiffs *

7 vs. * CASE NUMBER:

8 STATE OF MARYLAND, et al., * 24-C-17-004675

9 Defendants *

10 -----X

11
12 The Deposition of JOHN GAUTHIER, held at
13 HANSEL LAW, PC, on Monday, November 19, 2018, from
14 9:17 a.m. to 11:08 a.m., before Emily Rose
15 Hoffman, Notary Public for the State of Maryland.
16
17
18
19

20 Reported by:

21 Emily Rose Hoffman



Page 6

1 that she can record appropriately.

2 **A. Okay.**

3 Q. And that's to, obviously, to protect

4 the integrity of what you have to say and of the

5 record so that we aren't later trying to figure

6 out whether, you know, U-G-H is uhn-uhn or mm-hmm

7 when it's written two or three times, and believe

8 me, that happens. So I will ask you to respond

9 appropriately.

10 Today's not any kind of a marathon, so

11 if you need a break at any point, let us know. I

12 will ask you only that the last question has been

13 asked and answered. In other words, that if you

14 need a break, ask us between questions. I don't

15 need to know why, but just that you need a break

16 works for me.

17 If we go long enough that anybody

18 needs a food break, we will take it. We won't,

19 but if that were -- if you had some needs that I

20 might not anticipate for food or medications or

21 whatever, that can be taken care of on a break,

Page 7

1 but we're not going to go -- it's about 20 minutes

2 after 9:00. We're not going to be going past

3 lunch in this particular deposition. We have

4 others scheduled today.

5 I am going to rely on you to let me

6 know if there is any question I ask that you don't

7 understand, and that's an important rule because,

8 otherwise, you know, I, hopefully fairly, assume

9 that you have heard and answered the question I

10 asked, which means you have to let us know and

11 sort of police whether or not I've said anything

12 that wasn't clear to you for any reason.

13 Those are just some background rules.

14 There are others we might get into as the

15 deposition proceeds, but I don't want to spend too

16 much time because I think you're on a relatively

17 narrowly focused issue.

18 **A. Okay.**

19 Q. Let me ask you, though, to explain to

20 me how are you currently employed?

21 **A. I am the assistant director for**

Page 8

1 **facilities maintenance for all of the state**

2 **institutions in Maryland.**

3 Q. Okay. And when you say state

4 institutions, are you talking about correctional

5 institutions?

6 **A. Correctional institutions, yes.**

7 Q. Okay. So, for instance, if there

8 were -- you don't have any purview outside of the

9 correctional context; is that correct?

10 **A. Correct.**

11 Q. Okay. And very broadly speaking, and

12 understanding it's a far more complex job than I'm

13 going to want you to answer in two minutes, but

14 very broadly speaking, tell me what that job

15 entails are your duties from a thousand feet in

16 the air?

17 **A. I have four individual regions,**

18 **maintenance regions. Each of those four regions**

19 **are supervised by a regional manager. Those four**

20 **regional managers report directly to me on all**

21 **maintenance activities within all of the state**

Page 9

1 **prison institutions.**

2 Q. Okay. And does one of those regions

3 include Baltimore City?

4 **A. Yes, it does.**

5 Q. Okay. And I should have asked, I

6 presume, but I don't actually know, I guess, are

7 they -- are the regions geographic in scope?

8 **A. Yes, they are.**

9 Q. Okay, all right.

10 And so which region is it? Are they

11 numbered? Lettered? How do you refer to them?

12 **A. Actually, the subject is the Baltimore**

13 **region. It's simply the Baltimore region.**

14 Q. Got it. Understood.

15 And the Baltimore region, does that

16 include anything out of the city proper?

17 **A. No, it does not.**

18 Q. All right. So the Baltimore region is

19 Baltimore City in effect?

20 **A. Correct.**

21 Q. Okay. All right. Who's the current

1 manager for Baltimore City?

2 **A. Scott Snyder.**

3 **Q. Okay. All right. Is his address,**
4 **office address the same as yours?**

5 **A. No, it's not.**

6 **Q. What's his office address?**

7 **A. I'm not entirely sure. But he's at**
8 **the downtown Baltimore regional maintenance**
9 **office. The street address I'm not sure of.**

10 **Q. Don't need it. I know where it is,**
11 **thank you.**

12 **And the -- how long have you been the**
13 **assistant director for facilities management?**

14 **A. Since 2016.**

15 **Q. All right. And prior to that, were**
16 **you employed in the same field, I guess?**

17 **A. Yes.**

18 **Q. And how were you employed prior to**
19 **2016?**

20 **A. I was in charge of and my title was**
21 **capital maintenance projects manager.**

1 **Q. Okay. And when did you become the**
2 **capital projects maintenance manager,**
3 **understanding that you stopped that job and took**
4 **on your new role in '16?**

5 **When did you become the capital**
6 **maintenance project manager?**

7 **A. In 2012.**

8 **Q. All right. So during the period of**
9 **2013, 2014, you were the capital management --**
10 **tell me again.**

11 **A. Capital maintenance project manager.**

12 **Q. All right. Thank you.**

13 **And what were your duties as the**
14 **capital maintenance project manager?**

15 **A. I was the direct interface with all**
16 **DGS critical and capital maintenance projects for**
17 **all the institutions in the state.**

18 **Q. Okay.**

19 **A. And, again, that's prison**
20 **institutions.**

21 **Q. Understood. And I think I know what**

1 it means, but define DGS for me.

2 **A. Department of General Services.**

3 **Q. All right, good.**

4 **And when you were the capital**
5 **maintenance project manager, to whom did you**
6 **report?**

7 **A. SK Kulkarni.**

8 **Q. Was SK Kulkarni, Ms. Kulkarni or**
9 **Mr. Kulkarni?**

10 **A. Mister.**

11 **Q. And was he then the assistant director**
12 **of facilities --**

13 **A. No.**

14 **Q. Okay. What was his --**

15 **A. He was the director of capital**
16 **construction and facilities maintenance.**

17 **Q. Okay. To whom did Mr. Konkarni [sic]**
18 **report?**

19 **A. It's Kulkarni, and he reported to**
20 **David N. Bezanson.**

21 **Q. And what was Mr. Bezanson's title?**

1 **A. David Bezanson is the assistant**
2 **secretary for capital programs.**

3 **Q. And who is the current director of**
4 **facilities maintenance? You said you were the**
5 **assistant director?**

6 **A. Katherine Dixon.**

7 **Q. Okay. And how long has she been in**
8 **that role?**

9 **A. Since 2015 or -- '15.**

10 **Q. Who held the position before that?**

11 **A. SK Kulkarni.**

12 **Q. When did Mr. Kulkarni attain the role?**
13 **Let me ask it this way, was it before 2013?**

14 **That's really --**

15 **A. Yes.**

16 **Q. Good enough for my purposes. And**
17 **Mr. Scott Snyder, who deals with the Baltimore**
18 **region presently, when did he become the manager**
19 **for the Baltimore region?**

20 **A. 2017.**

21 **Q. Okay. And who was the manager prior**

1 Q. Previously?

2 A. -- Thursday of last week.

3 Q. Okay, all right.

4 And did you review any other documents
5 in preparation for today?

6 A. No.

7 Q. Okay, all right, good.

8 And now, if a guard wanted to open a
9 particular cell, the cell at issue here is G35, if
10 it matters, but if a guard wanted to open a
11 particular cell, how was that done in 2014, let's
12 say? Did they walk down the tier with a set of
13 keys?

14 A. Set of keys.

15 Q. All right. And so the cell was
16 opened. Was it opened at the cell door or at a
17 station nearby?

18 A. Cell door.

19 Q. Okay.

20 A. There were no central controls in BCDC
21 men's detention center. There were common doors

1 that were controlled from a discrete relay control
2 panel, but not cell doors.

3 Q. And so if the whole tier was being let
4 out to go to feed-up, for instance, somebody had
5 to individually open each door?

6 A. The condition of that facility, just
7 prior to closure, that would have probably been
8 the case. There was at one time a cable-driven
9 emergency release system at the end of each tier.
10 But it was -- I don't know that it functioned.

11 Q. All right. And what about in 2014,
12 which was a little bit prior to closure?

13 A. No.

14 Q. So you don't believe the cable-release
15 system worked then either?

16 A. Probably not.

17 Q. Okay. So in order to open cell G35, a
18 guard had to go to cell 35, stick the key in, turn
19 it, and slide the door open?

20 A. Probably, yes.

21 Q. That was as of December 2014?

1 A. Sure.

2 Q. Okay, all right.

3 And where were those keys kept, if you
4 know?

5 A. I don't know. Operations, they have
6 their own policies, procedures, controls. That
7 wasn't my thing.

8 Q. Okay, understood. I appreciate that.

9 What, in 2014 -- so, in other words,
10 after the P2 work was done, what would a
11 correctional officer need to do in order to review
12 a videotape of an area?

13 So if there were an area of interest,
14 a particular hall, the dining room, whatever, if
15 they wanted to go back after an event and view the
16 videotape, physically, how would that work?

17 A. You have to go to an individual work
18 station. There is a software package that we
19 employ at all of the state institutions called
20 ViconNet. It is a video recall system. And
21 you're able to go back in time to a particular

1 time of day, day of week, even week of month, and
2 do a search on a specific camera.

3 Q. Okay. And how long, setting aside any
4 litigation holds, which I know are sometimes a
5 different thing, how long does that data stay
6 available?

7 A. We designed the systems right now for
8 45 days.

9 Q. And what about in 2014, with this new
10 P2 system in place, was it 45 days?

11 A. It would have been 45 days.

12 Q. Okay, all right.

13 And if, within 45 days -- and in this
14 case, I don't know how much you know about it, but
15 in this case, my client was attacked in the
16 facility. We don't need to go through a lot of
17 the detail. But was attacked and pretty
18 grievously injured.

19 In a situation like that, how is the
20 tape preserved beyond 45 days given that there are
21 potential criminal issues, potential

TITLE: Daily Overtime/compensatory Time Authorization
 PURPOSE: Document prior approval: justify accrual & monitor 80-hour pay period cap
 USER(S): Employee, Supervisor, Timekeeper & Shift Commander

Notice to all employees:

(1) the accrual overtime or compensatory time must always be approved in advance

(2) no officer shall be allowed to work (volunteer or draft) more than 80 hours of overtime in one pay period. The 2 1/2 hours earned at roll call in not included when calculating overtime.

Employee's Name

(print):

Erica Shira

SS#

218-860

Clock / Timecard Number:

Assigned Location: MDC

Assigned Date(MM/DD/YY):

12.18.15

reason for accrual of overtime/compensatory time:

Late Relief

type of hours worked (check 1):

DRAFT

Volunteer

Compensatory

Late Relief/incident



Total Hours=

0.5

(Military)

Start Time=

1500

Stop Time=

1534

Conversion Chart

1 to 6

minutes=

0.1

31 to 36

minutes=

0.6

7 to 12

minutes=

0.2

37 to 42

minutes=

0.7

13 to 18

minutes=

0.3

43 to 48

minutes=

0.8

19 to 24

minutes=

0.4

49 to 54

minutes=

0.9

25 to 30

minutes=

0.5

55 to 60

minutes=

1 hour

Employee Signature:

Erica Shira

Date:

12.18.14

Supervisor Signature to Verify

late relief / incidental:

[Signature]

Date:

12-18-14

Timekeeper Signature:

Signature of Shift Commander

to approve this request:

Date:

EXHIBIT

18

tabbles

DATE: 12/18/14

[illegible][illegible]

CONFIDENTIAL – SUBJECT TO CONFIDENTIALITY AGREEMENT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NICOLE WALLACE, ET AL.

Plaintiffs,

v.

Civil Case No.: 1:17-CV-03718 CCB

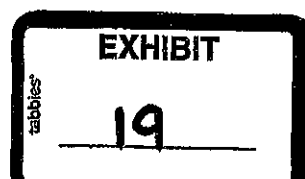
**MAYOR AND CITY COUNCIL OF
BALTIMORE CITY, ET AL.**

Defendants.

AFFIDAVIT OF [REDACTED]

COMES NOW the Affiant and hereby solemnly affirms under the penalties of perjury and upon personal knowledge that the contents of the following paper are true:

1. My name is [REDACTED] and I am over eighteen (18) years of age and competent to testify.
2. I am currently detained at Maryland Correctional Training Center located at 18800 Roxbury Road, Hagerstown, MD 21746.
3. On December 18, 2014, I was a detainee at the Baltimore City Detention Center which has since been shut down.
4. I was housed in the same unit as Daquan Wallace, Unit G.
5. Daquan was transferred to Unit G on December 18, 2014 around dinner time.
6. Shortly after, a female correctional officer opened Daquan's cell door to allow other inmates access to his cell.
7. The other inmates who were given access to his cell beat Daquan for an extended period of time.



CONFIDENTIAL – SUBJECT TO CONFIDENTIALITY AGREEMENT

8. Other inmates housed in G section as well as correctional officer could hear the beating going on for that extended period of time.

9. _____

10. _____

11. _____

I SOLEMNLY SWEAR AND AFFIRM UNDER THE PENTALTIES OF PERJURY
THAT THE FOREGOING INFORMATION IS TRUE BASED ON MY PERSONAL
KNOWLEDGE AND BELIEF.

12-18-18
Date

Bonvegna, Dominic

From: Morrow, Daniel L.
Sent: Wednesday, April 29, 2015 2:41 PM
To: Bonvegna, Dominic
Subject: FW: Daquan Wallace 2993245

From: Carter, Mark J.
Sent: Tuesday, April 28, 2015 3:39 PM
To: Johnson, Betty
Cc: Morrow, Daniel L.; Mercer, Joseph
Subject: RE: Daquan Wallace 2993245

Thanks Warden. By way of this email I am cc'ing Lt. Morrow. He is the supervisor overseeing this Baltimore investigation. He will provide a status update on this case. Mark

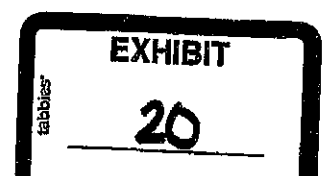
Mark J. Carter - Executive Director
Intelligence & Investigative Division
Department of Public Safety & Correctional Services
P.O. Box 418, 8510 Corridor Road, Suite 100
Savage, Maryland 20763
Office- (410) 724-5720

Confidential. For Internal Use Only. Protected by Executive Privilege. This communication may contain confidential or privileged information. Unauthorized retention, disclosure, or use of this information is prohibited and may be unlawful under 18 U.S.C. §§ 2510-2521. Accordingly, if this email has been sent to you in error, please contact the sender by reply email or by phone.

From: Johnson, Betty
Sent: Tuesday, April 28, 2015 3:28 PM
To: Carter, Mark J.
Subject: FW: Daquan Wallace 2993245

Today, I was leaving the JI building on Madison Street when I was approached by an African American male. The individual addressed me as Warden Johnson. He asked me if they ever found out who killed the young boy on G-Section. In December. I asked him his name but he refused to give it to me stating he was there when it happened but has since been released. I did not recognize the individual, however I believe I could recognize him if I saw again. He stated the boys Flatline, Meatball and D-Nice beat him up and put him back in his bed. He went on to say they are BGF. In addition, he went on to say Ofc. Sheraton was on the section and allowed these assaults and robberies to occur. Based on this information I had my Intel Lieutenant Hines run the nicknames and see if they were listed in the data base and who was working the section on the day of the assault. Please see the lieutenants response below. If you need to talk I am in my office. 410-209-4017.

Thank you



From: Johnson, Betty
Sent: Tuesday, April 28, 2015 3:28 PM
To: Carter, Mark J.
Subject: FW: Daquan Wallace 2993245

Today, I was leaving the JI building on Madison Street when I was approached by an African American male. The individual addressed me as Warden Johnson. He asked me if they ever found out who killed the young boy on G-Section. In December. I asked him his name but he refused to give it to me stating he was there when it happened but has since been released. I did not recognize the individual, however I believe I could recognize him if I saw again. He stated the boys Flatline, Meatball and D-Nice beat him up and put him back in his bed. He went on to say they are BGF. In addition, he went on to say Ofc. Sheraton was on the section and allowed these assaults and robberies to occur. Based on this information I had my intel Lieutenant Hines run the nicknames and see if they were listed in the data base and who was working the section on the day of the assault. Please see the lieutenants response below. If you need to talk I am in my office. 410-209-4017.

Thank you

From: Hines, Charnel
Sent: Tuesday, April 28, 2015 2:58 PM
To: Johnson, Betty
Subject: Daquan Wallace 2993245

Good Afternoon,

Detainee Daquan Wallace Sid number 2993245 was found unresponsive inside of G-section cell 035 on Thursday December 18, 2014 at approximately 1932 hours. Upon my review of the 7-3 Shift Post Assignment Worksheet is displayed that Officer Ericka Shird (female) was assigned to G-section on the following dates: December 15,17,18, and 19, 2014. The 3-11 shift Post Assignment Worksheet displayed that Officer Rene Jackens (male) was assigned to G-section on the following dates: December 15-19, 2014.

Detainee Brandon Brown aka Meatball Sid number 3105754 was housing on G-section from November 28, 2014 to February 19, 2015.

Detainee Dominic Evans aka Flatline Sid number 3066064 was assigned to G-section cell 070 on December 12, 2014 then was relocated to G-section cell 049 where is currently still housed.

Detainee Derron Johnson aka D-Nice Sid number 1864139 was housed on G-section cell 070 on November 15, 2015 then relocated to G-section cell 049 until he was placed on segregation (R-section cell 005) for a separate incident.

If you need any additional information please let me know.

*Lieutenant Charnel Hines
BCDC Intelligence Department
Baltimore City Detention Center*

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635
0700 hrs. Assumed the duties and responsibilities of post 13 @ 0700 hrs. All equipment accounted for. Post orders have been signed.

MTC Count 3

Raymond McEwan #2021233

John Leach #133972

Anthony Roberts #197408

Dr. N. Butler #1344 Shift: B Date: December 18, 2014

Assumed duties and responsibilities of post #13 @ approx. 1500 hrs. All equipment for this post is accounted for. Post orders have been read, signed and acknowledged. Additional information as follows:

* outside hospital watch count 150

* outside hospital run count is 1

1. Anthony Roberts 197408 @ UMMS ER RM22

Otc. T. Moore Otc. L. Rose

* Note: Detainee was taken on a hospital run from MTC.

* MTC count 13 3

1. Raymond McEwan 2021233

2. John Leach 133972

3. Anthony Robert 197408 - on hospital run

1940 hrs: Institutional count is cleared. MB

1917 hrs: assistance needed on post 56 (G). MB

1919 hrs: Standdown for the assistance needed on post 56 (G). MB

1932 hrs: assistance needed on post 56 (G). MB

1933 hrs: Medical assistance needed on post 56 (G). MB

1935 hrs: Detainee was taken to medical by Lt. Pulley. MB

2000 hrs: Medic #24 arrived. MB

2032 hrs: Detainee Daquan Wallace 2993245 went to Johns Hopkins Hospital. Direct admit to Zayed 9th fl RM 48 east (Surgical unit).

2100 hrs: MISC in effect for the entire institution. MB

2105 hrs: Anthony Roberts 197408 1076 to MTC. MB

* outside hospital watch count is 51

VOID 1. Daquan Wallace 2993245 @ JHH 1076 to M-VOID

1. Daquan Wallace 2993245 @ JHH Zayed 9th fl RM 48

Otc. H. Dyer Otc. S. Pearson

* outside hospital run is 1

1. Anthony Roberts 197408 1076 to MTC.

Otc. T. Moore Otc. L. Rose

* MTC count 15 3

1. Raymond McEwan 2021233

2. John Leach 133972

3. Anthony Roberts 197408

EXHIBIT

21

C Shift

December 19, 2014

Off. Williams

Assumed the duties and responsibilities of post 13.

All equipment is accounted for.

Outside hospital run is 1

Daguan Wallace #2993245 @ VHH Zayed Bldg.

RM #48 9th floor

MTC Count is 3

Anthony Roberts #197408

Raymond McGowan #2021233

John Leach #133972

0254 hrs. JL 10-76 to #37

0307 hrs. 3rd floor North 10-76 to #37.

0528 hrs. #55 10-76 to PH

0539 hrs. JL 10-76 to Pharmacy unit

0537 hrs. 3rd floor North 10-76 to #47.

1600 hrs. KOP #12 10-76 to CH

0604 hrs. #44 10-76 to CH

0610 hrs. #44 10-76 to hallway

1614 hrs. #57/58 10-76 to #47.

A-Shift

12/19/2014

Off. James

Off. V. Taylor #1640

0700 - Assumed the duties and responsibilities of post 13/13a. All equipment have been accounted for. Post orders have been read, signed and acknowledged.

Additional information are as follows:

* outside Hosp. Run count 0 (✓)

* outside Hosp. watch count 1 (✓)

① Daguan Wallace #992993245 @ VHH Zayed bldg. rm 948 w/ off. #111066 and ~~off.~~ Sgt. Williams

variable MTC count 3 (✓)

① Raymond McGowan #2021233 (✓)

① John Leach #133972 (✓)

③ Anthony Roberts #197408 (✓)

0907 - (2) from post 10 PCHS (Jur) 10-76 to post 47 (✓)

1120 - post 55 (F) 10-76 to post chow hall (✓)

1142 - post 51 (Q) 10-76 to Chow hall (✓)

the entry 1133 - Sanitation on post w/ 2 female detainees to clean. post (✓) escorted by off. Walupright (✓)

1148 - post 55 (F) returning back to their housing unit from the dining hall (✓)

A-shift cont'd

12/19/14

Sgt. Chamee

Sgt. J. Wallace #1690

- 1152 - post 57 (L) 10-76 to the chow hall (w)
 1205 - post 51 (Q) returning back to their housing units (w) from the dining hall (w)
 1210 - post 314 (S) 10-76 to the chow hall (w)
 1219 - post 57 (L) returning back to their housing units from the dining hall (w)
 1232 - post 44 (J) returning back to their housing units from the dining hall (w)
 1247 - post 58 (M) 10-76 to the chow hall (w)
 1259 - post 60 (O) west top 10-76 to post 4 chow hall (w)
 1310 - post 58 (M) returning back to their housing units from the chow hall (w)
 1319 - post 60 (O) west top returning back to their housing unit from the dining hall (w)

Sgt. N. Butler #1314

Shift: B

Date: 12/19/14

Assumed duties and responsibilities of post #15

@ approx. 1520 hrs. All equipment for this post is accounted for. Post orders have been read signed and acknowledged additional information as follows:

* Outside hospital watch count 151

1. Daquan Wallace 942993245 @ JHH 2nd Fl Bldg Rm 248

Cfc. J. Winn Cfc. K. Hough

* Outside hospital run count 152

1. Michael Mixen 389/84 @ Ben Secour Hospital

Cfc. D. Ashley Cfc. D. Howell

2. Demetrius Charles 1689209 @ UMMC ER

Cfc. H. Gregory Cfc. J. Clark

* MTC count 153

1. Raymond McGowan 2621233

2. John Leach 193972

3. Anthony Roberts 191408

1724 hrs: assistance needed on post 45 (W)

1725 hrs: Standdown for the assistance needed on post 45 (W)
per Capt. Phillips (W)

1925 hrs: 12-10 on post 55 (F) (W)

1927 hrs: Standdown for the 1010 on post 55 (F) per Sgt. Simpson

2040 hrs: All available officers needed on post 45 (K) (W)

2043 hrs: Standdown for post 45 (K) (W)

2100 hrs: MSC in effect for the entire institution.

Continued

004100 3000
ofc. N. Butler #1344 13 shift Date: 12/19/14

2125hrs: Detainee Micheal Mixon #389184 was admitted to
Bon Secour Ward. (W)
2203hrs: Detainee Demetrius Charles #1689209 was
arrived to MTC. (W)

* Outside Hospital Watch Count 152

- 1. Daquan Wallace #992993245 @ JHH Zayed Bld Rm 948
ofc. K. Haugh ofc. J. Winn
- 2. Micheal Mixon #389184 @ Bon Secour Sec. Ward.

* Outside Hospital Watch Count 151

- 1. Demetrius Charles #1689209 @ MTC - discharged from
UMMS ER - waiting to be seen. (W)

* MTC Count 153 (same)

ofc. V. Vaylon #1690 C-Shift 12/19/14

2300- Assumed the duties and responsibilities
of post 13/13 at 2300hrs. All equipment have
been accounted for. Post orders have been
read, signed and acknowledged. Post orders
reflects that there are to be 2 officers
on post at all times but I officer V. Vaylon
is the only officer mandating both post (W)

2300 - Outside Hosp. Watch Count 1 (W)

- ① Demetrius Charles #1689209 @ MTC
discharged from UMMS ER waiting to be
seen w/ B-shift officer Howell (W)

* Outside Hosp. Watch Count 2 (W)

- ① Daquan Wallace #992993245 @ JHH
Zayed Bldg Rm 948 w/ ofc. Haugh / ofc. Ogar (W)
- ② Micheal Mixon #389184 @ Bon Secour SW (W)

* Outside MTC Count 3 (W)

- ① Raymond McGowan #2621233 (W)
- ② John Leach #132972 (W)
- ③ Anthony Roberts #197408 (W)

2305- ofc. Haugh / ofc. Ogar @ JHH 10-49 (W)

0010 - ofc. Haugh / ofc. Ogar @ JHH 10-49 (W)

0056 - MTK Truck @ Post 35 gate (W)

0153 - ofc. Haugh / ofc. Ogar @ JHH 10-49 (W)

0254 - ofc. Ogar / ofc. Haugh @ JHH 10-49 (W)

0402 - ofc. Ogar / ofc. Haugh @ JHH 10-49 (W)

0403 - Cate's truck @ Post 35 gate (W)

0501 - ofc. Ogar / ofc. Haugh @ JHH 10-49 (W)

0555 - Post 51 (W) 10-76 to the Chow hall (W)

C-shift (2) Contd

31

W. Taylor #1690

12/19/71

NB - route to Hosp run count is 8 (2)

President Demetrius Charles #1689009

returned back to the institution and

was housed on post 43 (E) section (2)

0603 - off, Ogar, off, Haugh @ JHB 10-49 (2)

0615 - post 51 (A) returning back to their

housing units from the dining hall (2)

0624 - post 44 (S) 10-76 to the Chow hall (2)

0645 - post 44 (S) returning back to their

housing unit from the dining hall (2)

0654 - post 55 (F) 10-76 to Chow hall (2)

Thames

Murdock A shift

1220/14

Assumed duties and responsibilities

of post 13A @ approximately 0630 hrs. All

equipment assigned to post is accounted for.

Post orders have been read and signed.

Additional information: Outside hospital with 02

1) Dequan Wallace # 992043245 JHB 2nd building Rm 448.

2) Michael Nixon # 389184 Bon Secour JWB @ MTC Count 03

All gray badges are accounted for with the

exception of Ofc. J. Reaves and Ofc. P. Simmons (2)

0705 L Sect 1076 to DH (2) Rtn @ 0733 hrs (2)

0723 M Sect 1076 to DH (2) Rtn @ 0745 hrs (2)

1100 F Sect 1076 to DH (2) Rtn @ 1120 hrs (2)

1114 Q Sect 1076 to DH (2)

1141 M Sect 1076 to DH (2) Rtn @ 1220 hrs (2)

1154 L Sect 1076 to DH (2) Rtn @ 1204 hrs (2)

1230 J Sect 1076 to DH (2) Rtn @ 1253 hrs (2)

1243 Sanitation workers 1076 to post 5 escorted

by Ofc. Scott (2)

1250 AM Kitchen workers 1076 back to housing (2)

LOG BOOK

G SECTION

12/18/14 C-Shift (Cont) Ok. Cop
 0002 L. Sgt. Elder On Post, Delaney
 092. Coplin for 10-44. No prob
 0100 Traffic - Officer Richardson
 Called for Ony Court Release Detainee:
 G-76 Michael Rickett #339012.
 * MDC RDCC Called for Court
 Detainees for 12/18/14: G-89 James Gasque
 #3471630, G-85 Rodney Mayfield 3363249
 and G-9 Damien Simms #1725653.
 0130 Security Roney made SE
 0145 has escorted Court Release Detainees
 G-76 Michael Rickett to the Clinic.
 0200 Centralized into Post 46A & Talkie a New count
 is 88. (S)

30 City had admitted, all gears off (S)
 00 Art Edman 10:26 to ring (S)
 30 Sgt had admitted. (S)
 00 McHolmes & Thorton placed in chelby.
 30 Sgt had admitted, all gears off (S)
 00 Sgt had admitted (S)
 70 Sgt had admitted, another a Shady Ridge (S)
 00 Sgt had admitted, another a Shady Ridge (S)
 02 F-ship 10:26 to ring - West Bottom still on
 lock (S)
 26 Sgt had admitted, all gears off. Court
 about, Ben Day Hall & see and (S)
 Nooked checking that they needed 22 by the
 West Bottom. (S)

27 Read up, arrived with 28 bys. R. West Bottom
 Working in "19/90, Aedg up the tier (S)
 02 Read up complete on West Bottom (S)

Off Shird

A Shift

12-18-14

Off Coleman

Assumed the duties and responsibilities of
 post 56. Correct count 88. Mattress count 88. Equipment
 received: 1 joint 1 mase 1 hand off 1 rescue shears 2 key
 clip, 1 apr pouch and 1 set of 12 keys. There are no
 post orders present for this post.

* O.F.C. Coleman conducted initial security round
 all seems to be safe and secure. The count

is 88 (S) 85 inmates on section 6 (S)

* Three inmates out at count: G-9, G-85, G-89 (S)

* 0815 hrs. West top out for Lee West Bottom

is on lock (S)

* 0900hrs West top tier put on standby for medication (12)

* 0900hrs medication began starting with

1011 1 officer Adirimo on post for officer refused.

1012 L.T. Anderson conducted a security appearance, same with nothing else to report.

0900hrs Residents escorted to the Dining Hall for feed-up. West Bottom did not get escorted to dining hall (12)

0820hrs Residents escorted back to Section all locked in everything appears to be safe. Sec (12)

1300 hrs Security round made all secure

-1400hrs Security round made all secure west top and west bottom tiers for both received positive rec.

Officer T. Rene B-Shift 12-18

Assumed the duties and responsibilities of A-Section at approximately 1530 hrs. Equipment and accounted for are, 1 T unit, 1 hand saw, 1 rescue shear, 1 CPR kit, 1 set of 12 keys. Count is 87 w/ 2 out. Total Section Count orders have been read and signed (12)

1530 Initial security round conducted all appear safe

1600 East top out for recreation at this time (12)

1605 Security round conducted all appear safe and secure

Note 1608 Detainees Paul Pulley 991181 and Joseph Tillman number 27/28 came out for recreation with their belongings stated they were placed on Section. Detainees pulled out

1630 Security round conducted all appear safe and secure

1710 Sec 10 / 11 on 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

1700 Security round conducted all appear safe and secure

1730 Security round conducted all appear safe and secure

1732 Section on stand by for chow hall (12)

1735 Food Cart on Post at this time (12) Received

1755 Security round conducted all appear safe and secure

1800 Medication started on Post at this time (12)

1823 Security round conducted all appear safe and secure

1850 Security round conducted all appear safe and secure

1853 Medication ended on Post at this time (12)

1900 West bottom Fed on Section. Fed all 22 detainees

- 1930 Section West top, East bottom and top 10-76
to dining hall (12)
- 1934 Security round conducted all appear safe and secure (12)
- 1945 Section is 10-76 from dining hall to housing unit (12)
- 1948 Assistant was called on Cr-hallway involved (12) inmate
was involved (12)
- 1958 Medical assistant was called for detainee Daquard Wallace
ID # 2993245 he was unresponsive (12)
- 2009 All detainees docked in. Detainee Wallace was carried to
Medical 47 clinic (12)
- 2010 Security round conducted all appear safe and secure (12)
- 2040 Security round conducted all appear safe and secure (12)
- 2005 Security round conducted all appear safe and secure (12)
- 2130 Security round conducted all appear safe and secure (12)
- 2200 Security round conducted all appear safe and secure (12)
- 2230 Security round conducted all appear safe and secure (12)
- 2253 Security round conducted all appear safe and secure (12)

12/18/14 C Shift Ofc. Coppin

- 007 Assumed the duties & responsibilities of Officer
Post 56 from Ofc. Yacoub who was relieving B-shift
Ofc. Rine. so he could write a Mother of pearl.
- 0030 All equipment has not yet been received, currently
in possession of 4 units + 1 piece of 2 axis Tuff
w/ case, 2 key clips 1 set of 12 keys, 4 requesters, 1000
given to me by Ofc. Rine. I'll conduct an inventory.
- 0100 B-shift supervisor, C-Shift Meyer, on the post activity initiated
Conducted a count, the total body count was 85. B-shift
has count of 89. Called buffer to rectify the count.
- 0130 Sp. the on post escorting detainee Joseph Rine to 0-80.
- 0036 Sp. find and identify all apps etc. (12)
- 0100 Sp. had conducted, count list received from Post 37.
6-76, 6-94, 6-38, 6-65, 6-71 have count in the am. (12)
- Mail distributed to detainees on C-shift due to it not
being able to be delivered because of incidents on B-shift.
- 2130 All mail delivered on the section. Count detainees
notified that they have count. Sp. had conducted. (12)
- 2200 Sp. had conducted, all apps etc. (12)
- 0225 Sp. plus on Post 37 prob
was observed by a reporter (12)
- 0229 Relieved Ofc. Coppin for 10:44 (12)
- 0300 Rine for 10-44 (12) Count detainees escorted to
receiving. (12)

12/12/74 C. Smith Jfc. Cops
 0330 Stryker admitted (P)
 0400 Stryker admitted; (P) and (P)
 0430 Stryker admitted (P)
 0500 Machine & Troop delivered (P)
 0530 Stryker admitted (P)
 0600 Stryker admitted (P)
 0610 Pick up on post, food by delivery to
 run G-section. (P)

NOTE: G-34 & G-44 have illegally
 switched cells. G-34 want to stay
 They need to switch back when
 returns from court. (P)

0640 Stryker admitted, Pick up couple
 at this time. (P)
 G-section is currently on lockdown
 0700 G-88 being escorted to
 medical. (P)

OFC J. Coleman
 OFC F. Ward

A. M. F.

Assumed the duties and responsibilities
 Post 56. The correct count is 95. Most
 Count is 96. All equipment is present
 1 T-unit, 1 keycups, 1 handcuff, 1 mace, 1
 1 set of keys 12, and 1 pair of rescue shovels

Body count on section is 79. 5 out at
 G-34, G-65, G-71, G-76, G-94, and 1 out on
 post 45 (mace chair) G-88 (P)
 0700hrs Initial security round made all secure
 safe and sound. (P)

J. ofc J. Coleman was informed by C. of
 ofc. C. C. that post 56 is on lockdown
 status. (P)

0836 Sgt. M. Mathew on Post. Security
 made. All appear to be safe and

-0900hrs. Security round made all secure. Following
 cells were handcuffed and escorted to
 medication window. G-18 Allen Pittman, G-21
 G-38 C. Richburg, G-56 G. Butler, G-63 S. Henderson
 M. Mason, G-67 Harry Smith all other detain-
 take medication refused

* 0900hrs West top tier put on standby for medication (12)

* 0900hrs medication began starting with the west top tier

1011 Officer Adirimo on post for 1 officer refused.

1012 J. T. Adirimo conducted a security round all appear safe with nothing unusual to report.

0200hrs Residents escorted to the Dining Hall for feeding. West bottom did not get escorted to dining hall (12)

0200hrs Residents escorted back to section all read locked in everything appears to be safe and secure (12)

1300 hrs Security round made all secure

1400hrs Security round made all secure west top and west bottom tiers all for both received positive rec.

OPC IT Rene B-Shift 12-18-14

Assumed the duties and responsibilities of Post G-Section at approximately 1530 hrs. Equipment and accounted for are, 1 J unit, 1 handcuff, 1mm 1 rescue shear, 1 CPR kit, 1 set of 12 keys. Correc Count is 87 w/ 2 out. Total section count is 89 orders have been read and signed (12)

1530 Initial security round conducted all appear safe and

1600 East top out for recreation at this time (12)

1605 Security round conducted all appear safe and secure

Note 1608 Detainees Paul Bulley 991131 and Joseph Tillman 09718 number 27/28 came out for recreation with their belongings stated they were placed on section. Detainees pulled out by S

1630 Security round conducted all appear safe and secure

1640 J. T. Adirimo on post, no problems

1700 Security round conducted all appear safe and secure

1730 Security round conducted all appear safe and secure

1732 Section on stand by for show hall (12)

1735 Food cart on post at this time (12) Received 24 trays

1755 Security round conducted all appear safe and secure

1800 Medication started on post at this time (12)

1823 Security round conducted all appear safe and secure

1850 Security round conducted all appear safe and secure

1853 Medication ended on post at this time (12)

* 1900 West bottom Fed on Section. Fed all 22 detainees

- 1980 Section West top, East bottom and top 10-76
to dining hall (P)
- 1984 Security round conducted all appear safe and secure
- 1995 Section is 10-76 from dining hall to housing unit (P)
- 1998 Assistant was called on G-hallway involved inmate
was involved (P)
- 1998 Medical assistant was called for detainee Daquard Wallace
ID # 2993245 he was unresponsive (P)
- 2000 All detainees docked in. Detainee Wallace was carried to
Medical 47 clinic (P)
- 2010 Security round conducted all appear safe and secure (P)
- 2040 Security round conducted all appear safe and secure (P)
- 2105 Security round conducted all appear safe and secure (P)
- 2130 Security round conducted all appear safe and secure (P)
- 2200 Security round conducted all appear safe and secure (P)
- 2230 Security round conducted all appear safe and secure (P)
- 2253 Security round conducted all appear safe and secure (P)

-1400hrs Security round made all secure
west top and west bottom tiers
for both received positive rec.

OPC T. Rene B-Shift 12-18-14

Assumed the duties and responsibilities of Post 516
B-Section at approximately 1530 hrs. Equipment secure
and accounted for are, 1 J. Unit, 1 handcuff, 1 voice, 1 bag,
1 rescue shear, 1 CPR kit, 1 set of 12 keys. Current bed
count is 87 in/2 out. Total Section Count is 89. Post
orders have been read and signed (P)

1530 Initial security round conducted all appear safe and secure (P)

1600 East top out for recreation at this time (P)

1605 Security round conducted all appear safe and secure (P)

Note: 1608 Detainees Paul Pulley 091121 and Joseph Tillman 0918125 all
number 07/28 came out for recreation with their belongings bagged &
stated they were allowed on Section detainees pulled out by Sgt. Smith

1630 Security round conducted all appear safe and secure (P)

1700 Sec. Mt. for 1st on 22, on 1st 22 1st 22

1700 Security round conducted all appear safe and secure (P)

1730 Security round conducted all appear safe and secure (P)

1730 Section on stand by for chow hall (P)

1735 Food cart on Post at this time (P) Received 24 trays (P)

1755 Security round conducted all appear safe and secure (P)

1800 Medication started on Post at this time (P)

1823 Security round conducted all appear safe and secure (P)

1850 Security round conducted all appear safe and secure (P)

1850 Medication ended on Post at this time (P)

* 1900 West bottom Fed on Section, Fed all 22 detainees (P)

1213 Security round conducted all

INMATE STATEMENT

DATE:

12/19/14

NAME: Joseph Beatty Jr.

IDENTIFICATION NUMBER: 9152618

HOUSING LOCATION: G-36

TIME: 2300

STATEMENT:

I tried to wake ^{him} up. When we came back from Chow and he didn't move, so I shook him and he started breathing hard. so I called the CO

The above statement is given on my own free will and I have not been coerced in any way. The facts of this statement are being given to the investigating source and are truthful and precise to the best of my knowledge.

[Signature]
Witness

[Signature]
Inmate's Signature

Witness

Identification Number

EXHIBIT

22

tabbies